

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SESSION OF 1923

HELD IN THE CITY OF MONTGOMERY COMMENCING

TUESDAY, JANUARY 9, 1923

VOL. I.



**WITH AN INDEX PREPARED BY THE CLERK OF THE HOUSE OF
REPRESENTATIVES.**

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF
ALABAMA
SESSION OF 1923.

State Capital of Alabama,
Montgomery, Tuesday, January 9th, 1923.

JOURNAL.

Of the House of Representatives of the State of Alabama, of the session of 1923, began and held at the Capital in the city of Montgomery, State of Alabama, on the second Tuesday in January, 1923, being the ninth day of the month, in the year of our Lord one thousand nine hundred and twenty-three, at 12 o'clock M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Hon. S. A. Lynne, Speaker of the House of Representatives of Alabama.

PRAYER.

The session was opened with prayer by Dr. Charles A. Stakley, pastor of the First Baptist Church, Montgomery, Ala.
The following members appeared and took seats:

REPRESENTATIVES IN THE LEGISLATURE.

Autauga—John A. Dickinson.
Baldwin—P. M. Hodgson.
Barbour—Julius C. Cato, Jr., O. J. Mooneyham.
Bibb—N. E. Stewart.
Blount—W. Y. Adams.
Bullock—J. P. Hall, G. Herbert Jones.
Butler—J. Lee Long, Joseph N. Poole.
Calhoun—Hugh D. Merrill, O. L. Stewart.
Chambers—Y. L. Burton, Will O. Walton.
Cherokee—W. E. Ringer.

Chilton—W. M. Wyatt.
Choctaw—O. W. Elliott.
Clarke—John F. Boykin, T. H. Tyson.
Clay—James A. Smith.
Clebune—J. C. Nicholls.
Coffee—H. M. Sessions.
Colbert—John E. Deloney.
Conecuh—S. B. Sanders.
Coosa—J. M. Parker.
Covington—J. W. LeMaistre.
Crenshaw—J. B. Moxley.
Cullman—F. E. St. John.
Dale—M. Sollie, Sr.
Dallas—W. R. Rountree, Jr., Mrs. J. G. Wilkins, J. E. Young.
DeKalb—John P. Hawkins.
Elmore—Oakley W. Melton, Lee Hornsby.
Escambia—J. H. L. Henley.
Etowah—C. S. Culver, C. O. Thompson.
Fayette—J. F. Ashcraft.
Franklin—Travis Williams.
Geneva—H. Grady Tiller.
Greene—R. H. Hatter.
Hale—A. M. Tunstall, W. C. Christian.
Henry—E. C. Glover, S. M. Dunwoody.
Houston—F. M. Gaines.
Jackson—John M. Snodgrass, J. K. Thompson.
Jefferson—Lewis Bowen, L. K. Bowen, Henry R. Howze, Fred Fite, R. E. Smith, Mark L. Jeter, John R. T. Rives.
Lamar—Charles P. Odom.
Lauderdale—Lee Glenn, C. W. Ashcraft.
Lawrence—J. D. L. Byars.
Lee—R. C. Smith, Jacob A. Walker.
Limestone—Young Wall.
Lowndes—E. R. Moorer, R. M. Guy.
Macon—William Varner.
Madison—John P. Hampton, F. C. Love.
Marengo—W. G. Allen, Preston B. Glass.
Marion—W. P. Letson.
Marshall—W. M. Coleman.
Mobile—R. E. Cunningham, Edward J. Grove, John J. Russell.
Monroe—W. R. Blackwell.
Montgomery—R. H. Arrington, Lee Calloway, Tyler Goodwyn, H. H. Norman.
Morgan—John Patterson, James A. Forman.
Perry—John C. Lee, Emmett Kilpatrick.
Pickens—John W. Dowdle.

Pike—G. J. Hubbard, J. T. Sanders.
 Randolph—D. T. Ware.
 Russell—H. A. Ferrell, C. D. Rutherford.
 Shelby—Paul O. Luck.
 St. Clair—Frank B. Embry.
 Sumter—Champ Pickens, T. P. McGowen.
 Talladega—S. A. Burns, W. L. Howard.
 Tallapoosa—G. G. Adcock, W. D. Graves.
 Tuscaloosa—John T. Bealle, C. B. Verner.
 Walker—Charles H. Fanning, James B. Powell.
 Washington—J. W. Henson.
 Wilcox—R. J. Goode, Jr., Daniel Cook, Sr.
 Winston—J. A. Posey.

The Speaker of the House announced that a quorum had appeared, one hundred and five members having answered to their names.

OATH OF OFFICE.

The oath of office was then administered to the above named members by Judge Jno. C. Anderson, Chief Justice of the Supreme Court of Alabama.

RECESS.

On motion of Mr. Tunstall the House recessed until 3 o'clock for the purpose of holding a caucus for the nomination of the officers of the House.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

The House then proceeded to the election of its permanent officers.

ELECTION OF SPEAKER.

Mr. Fite nominated Hon. Hugh D. Merrill, of Calhoun, for Speaker of the House, and those who voted for Mr. Merrill are:

Messrs:			
Adams	Bealle	Burton	Cook
Adcock	Blackwell	Byars	Culver
Allen	Bowen, Lewis	Calloway	Cunningham
Arrington	Bowen, L. K.	Cato	Deloney
Ashcraft (Fayette)	Boykin	Christian	Dickinson
Ashcraft (Lauderdl.)	Burns	Coleman	Dowdle

Dunwoody	Henley	Moxley	Smith (Jefferson)
Elliott	Henson	Nichols	Smith (Lee)
Fanning	Hodgson	Norman	Snodgrass
Ferrell	Hornsby	Parker	Sollie
Fite	Howard	Patterson	Stewart (Bibb)
Forman	Howze	Pickens	Stewart (Calhoun)
Gaines	Hubbard	Poole	Tiller
Glass	Jeter	Posey	Tunstall
Glenn	Jones	Powell	Tyson
Glover	Kilpatrick	Ringer	Varner
Goode	Lee	Rives	Verner
Goodwyn	LeMaistre	Rountree	Walker
Graves	Letson	Russell	Wall
Grove	Long	Rutherford	Walton
Guy	Love	St. John	Ware
Hall	Luck	Sanders (Conecuh)	Mrs. Wilkins
Hampton	Melton	Sanders (Pike)	Williams
Hatter	Mooneyham	Sessions	Wyatt
Hawkins	Moorer	Smith (Clay)	Young

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Mr. Merrill having received all the votes cast, a majority of the House, was declared duly and constitutionally elected Speaker of the House of Representatives for the term prescribed by law.

On motion of Mr. Sollie, the Speaker appointed a committee of three to notify Mr. Merrill of his election, and to escort the Speaker-elect to the chair.

The Speaker appointed Messrs. Ashcraft of Lauderdale, Varner and Wall to notify the Speaker-elect.

Hon. Hugh D. Merrill appeared and the oath of office was administered by Hon. S. A. Lynne, Speaker of the House of Representatives.

ELECTION OF CLERK.

Mr. Ware nominated Hon. J. H. Stewart of Randolph for Clerk, and those who voted for Mr. Stewart are:

Messrs:			
Mr. Speaker	Cato	Glass	Howard
Adams	Christian	Glenn	Howze
Adcock	Coleman	Glover	Hubbard
Allen	Cook	Goode	Jeter
Arrington	Culver	Goodwyn	Jones
Ashcraft (Fayette)	Cunningham	Graves	Kilpatrick
Ashcraft (Lauderdl.)	Deloney	Grove	Lee
Bealle	Dickinson	Guy	LeMaistre
Blackwell	Dowdle	Hall	Letson
Bowen, Lewis	Dunwoody	Hampton	Long
Bowen, L. K.	Elliott	Hatter	Love
Boykin	Fanning	Hawkins	Luck
Burns	Ferrell	Henley	Melton
Burton	Fite	Henson	Mooneyham
Byars	Forman	Hodgson	Moorer
Calloway	Gaines	Hornsby	Moxley

Nichols	Rives	Smith (Lee)	Varner
Norman	Rountree	Snodgrass	Verner
Odom	Russell	Sollie	Walker
Parker	Rutherford	Stewart (Bibb)	Wall
Pickens	St. John	Stewart (Calhoun)	Ware
Poole	Sanders (Conecuh)	Thompson (Jackson)	Mrs. Wilkins
Posey	Sanders (Pike)	Tiller	Williams
Powell	Sessions	Tunstall	Young
Ringer	Smith (Clay)	Tyson	

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Mr. Stewart having received a majority of the votes cast, was declared duly and constitutionally elected Clerk of the House of Representatives for the term prescribed by law.

ELECTION OF ASSISTANT CLERK.

Mr. Sollie nominated Mr. J. Q. Adams, of Dale, for Assistant Clerk. Those who voted for Mr. Adams are:

Messrs:			
Mr. Speaker	Dunwoody	Hubbard	Rives
Adams	Elliott	Jeter	Russell
Adcock	Fanning	Jones	St. John
Allen	Ferrell	Kilpatrick	Sanders (Pike)
Arrington	Fite	Lee	Sessions
Ashcraft (Lauderdl.)	Forman	LeMaistre	Smith (Clay)
Bealle	Gaines	Letson	Smith (Jefferson)
Blackwell	Glass	Long	Smith (Lee)
Bowen, Lewis	Glenn	Love	Snodgrass
Bowen, L. K.	Glover	Luck	Sollie
Boykin	Goode	Melton	Stewart (Bibb)
Burns	Goodwyn	Mooneyham	Stewart (Calhoun)
Burton	Graves	Moorer	Thompson (Jackson)
Byars	Grove	Moxley	Tiller
Calloway	Guy	Nichols	Tunstall
Cato	Hall	Norman	Tyson
Christian	Hatter	Odom	Varner
Coleman	Hawkins	Parker	Verner
Cook	Henley	Patterson	Walker
Culver	Henson	Pickens	Wall
Cunningham	Hodgson	Poole	Ware
Deloney	Hornsby	Posey	Mrs. Wilkins
Dickinson	Howard	Powell	Williams
Dowdle	Howze	Ringer	Wyatt

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Mr. Adams having received all the votes cast, was declared duly and constitutionally elected for the term prescribed by law.

ELECTION OF ENROLLING CLERK.

Mr. Goodwyn nominated Mr. J. P. Hanks, of Montgomery, for Enrolling Clerk. Those who voted for Mr. Hanks are:

Messrs:			
Mr. Speaker	Dunwoody	Howze	Rutherford
Adams	Elliott	Jeter	St. John
Adcock	Fanning	Jones	Sanders (Conecuh)
Allen	Ferrell	Kilpatrick	Sanders (Pike)
Arrington	Fite	Lee	Sessions
Ashcraft (Lauderdl.)	Forman	LeMaistre	Smith (Clay)
Bealle	Gaines	Letson	Smith (Lee)
Blackwell	Glass	Long	Snodgrass
Bowen, Lewis	Glenn	Love	Sollie
Bowen, L. K.	Glover	Luck	Stewart (Bibb)
Boykin	Goode	Melton	Stewart (Calhoun)
Burns	Goodwyn	Mooneyham	Thompson (Jackson)
Burton	Graves	Moorer	Tiller
Byars	Grove	Moxley	Tunstall
Calloway	Guy	Nichols	Tyson
Cato	Hall	Norman	Varner
Christian	Hampton	Odom	Walker
Coleman	Hatter	Pickens	Wall
Cook	Hawkins	Poole	Walton
Culver	Henley	Posey	Ware
Cunningham	Henson	Ringer	Mrs. Wilkins
Deloney	Hodgson	Rives	Williams
Dickinson	Hornsby	Rountree	Young
Dowdle	Howard	Russell	

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Mr. Hanks having received all the votes cast, was declared duly and constitutionally elected Enrolling Clerk for the term prescribed by law.

ENGROSSING CLERK.

Mr. Goodwyn nominated Mr. Leon Jackson, for Engrossing Clerk. Those who voted for Mr. Jackson are:

Messrs:			
Mr. Speaker	Culver	Hall	Mooneyham
Adams	Cunningham	Hampton	Moorer
Adcock	Deloney	Hatter	Moxley
Allen	Dickinson	Hawkins	Nichols
Arrington	Dowdle	Henley	Norman
Ashcraft (Fayette)	Dunwoody	Henson	Odom
Ashcraft (Lauderdl.)	Elliott	Hornsby	Parker
Bealle	Fanning	Howard	Pickens
Blackwell	Ferrell	Howze	Poole
Bowen, Lewis	Fite	Hubbard	Posey
Bowen, L. K.	Forman	Jeter	Powell
Boykin	Gaines	Jones	Ringer
Burns	Glass	Kilpatrick	Rives
Burton	Glenn	Lee	Russell
Byars	Glover	LeMaistre	Rutherford
Calloway	Goode	Letson	St. John
Cato	Goodwyn	Long	Sanders (Conecuh)
Christian	Graves	Love	Sanders (Pike)
Coleman	Grove	Luck	Sessions
Cook	Guy	Melton	Smith (Clay)

Smith (Lee)	Stewart (Calhoun)	Varner	Walton
Snodgrass	Tiller	Verner	Ware
Sollie	Tunstall	Walker	Mrs. Wilkins
Stewart (Bibb)	Tyson	Wall	Williams

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Mr. Jackson having received all the votes cast, was declared duly and constitutionally elected Engrossing Clerk for the term prescribed by law.

ELECTION OF DOORKEEPER.

Mr. Sollie nominated Mr. T. J. Fain for Doorkeeper of the House. Those who voted for Mr. Fain are:

Messrs:			
Mr. Speaker	Dunwoody	Jeter	Rutherford
Adams	Elliott	Jones	St. John
Adcock	Fanning	Kilpatrick	Sanders (Conecuh)
Allen	Ferrell	Lee	Sanders (Pike)
Arrington	Fite	LeMaistre	Sessions
Ashcraft (Lauderdl.)	Forman	Letson	Smith (Clay)
Bealle	Gaines	Long	Smith (Jefferson)
Blackwell	Glass	Love	Smith (Lee)
Bowen, Lewis	Glenn	Luck	Snodgrass
Bowen, L. K.	Glover	Melton	Sollie
Boykin	Goode	Mooneyham	Stewart (Bibb)
Burns	Goodwyn	Moorer	Stewart (Calhoun)
Burton	Graves	Nichols	Thompson (Jackson)
Byars	Grove	Norman	Tiller
Calloway	Guy	Odom	Tunstall
Cato	Hall	Parker	Varner
Christian	Hatter	Pickens	Verner
Coleman	Hawkins	Poole	Walker
Cook	Henley	Posey	Wall
Culver	Henson	Powell	Ware
Cunningham	Hodgson	Ringer	Mrs. Wilkins
Deloney	Hornsby	Rives	Williams
Dickinson	Howard	Rountree	Wyatt
Dowdle	Howze	Russell	Young

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Mr. Fain having received all the votes cast, was declared duly and constitutionally elected Doorkeeper of the House of Representatives for the term prescribed by law.

ELECTION OF ASSISTANT DOORKEEPER.

Mr. Kilpatrick nominated Mr. L. P. Bamberg, of Perry, for Assistant Doorkeeper. Those who voted for Mr. Bamberg are:

Messrs:			
Mr. Speaker	Allen	Bealle	Bowen, L. K.
Adams	Arrington	Blackwell	Boykin
Adcock	Ashcraft (Lauderdl.)	Bowen, Lewis	Burns

Burton	Glover	Letson	Sanders (Conecuh)
Byars	Goode	Long	Sanders (Pike)
Calloway	Goodwyn	Love	Sessions
Cato	Graves	Luck	Smith (Clay)
Christian	Grove	Melton	Smith (Jefferson)
Coleman	Guy	Mooneyham	Smith (Lee)
Cook	Hall	Moorer	Sollie
Culver	Hampton	Moxley	Stewart (Bibb)
Cunningham	Hatter	Nichols	Stewart (Calhoun)
Deloney	Hawkins	Norman	Thompson (Jackson)
Dickinson	Henley	Odom	Tiller
Dowdle	Henson	Parker	Tunstall
Dunwoody	Hornsby	Pickens	Tyson
Elliott	Howard	Poole	Verner
Fanning	Howze	Posey	Walker
Ferrell	Hubbard	Powell	Wall
Fite	Jeter	Ringer	Walton
Forman	Jones	Rives	Ware
Gaines	Kilpatrick	Russell	Mrs. Wilkins
Glass	Lee	Rutherford	Wyatt
Glenn	LeMaistre	St. John	Young

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Mr. Bamberg having received all the votes cast, was declared duly and constitutionally elected Assistant Doorkeeper of the House of Representatives for the term prescribed by law.

OFFICERS SWORN IN.

Messrs. Stewart, Adams, Hanks, Jackson, Fain, Bamberg, the subordinate officers, appeared, and the oath of office was administered by the Speaker.

MESSAGE FROM THE SENATE.

Mr. Speaker:

I am requested by the Senate to notify the House that the Senate has perfected its permanent organization by the election of the following officers:

President Pro. Tem.: Hon. James B. Ellis of Dallas.

Secretary: Mr. J. E. Speight of Covington.

Assistant Secretary: Harrison McCutchen of Jackson.

Enrolling Clerk: Mrs. Lula Thompson of Montgomery.

Engrossing Clerk: Mrs. Nannie B. Walker of Montgomery.

Comparing Clerk: Mrs. Hattie S. Ross of Montgomery.

Doorkeeper: Rev. J. K. Jenkins of Clay.

Assistant Doorkeeper: Mr. Guy Watkins of Barbour.

And is now ready for the transaction of business.

J. E. Speight,
Secretary.

LEAVE OF ABSENCE.

Was granted to Messrs. McGowan and Thompson of Etowah, indefinitely.

RESOLUTION.

The following resolutions were introduced:

By Mr. Sollie:

H. R. 1. Resolved that the rules of the House of Representatives, the session of 1919, be and are hereby adopted as the rules of this House until the Committee on Rules reports the rules of this House.

The rules were suspended and the resolution was adopted.

By Mr. Tunstall:

H. J. R. 2. Resolved by the House, the Senate concurring, that a committee of three from the House and three from the Senate be appointed by the presiding officer to wait upon the Governor and inform him that the Legislature has organized and is ready for the transaction of business.

The rules were suspended and the resolution was adopted, and the Speaker named on part of the House, Messrs. Ashcraft of Lauderdale, Tunstall and Goodwyn.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in H. J. R. 2 relative to a committee to wait on the Governor and notify him of the organization of the Legislature, and the President of the Senate has appointed as committee on part of the Senate, Messrs. Tunstall, Bonner and Waddell.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution:

S. J. R. 4. Resolved, by the Senate, the House concurring, that a joint committee of five, consisting of three on the part of the House and two on the part of the Senate, be appointed to wait on the Governor of Alabama and inform him of the organization of the Legislature and its readiness to transact public business.

And the President appointed as a committee on the part of the Senate, Messrs. Tunstall and Bonner.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted S. J. R. 4, and the Speaker named on said committee, Messrs. Tunstall, Goodwyn and Ashcraft of Lauderdale.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. 5. Resolved by the Senate, the House concurring, that the Senate and House of Representatives meet in joint convention in the hall of the House of Representatives at 4 P. M. on this January 9th, 1923, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election in November, 1922, as required by section 115, of the Constitution of Alabama.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House amended S. J. R. 5 by making the meeting of the joint session for 10:30 Wednesday morning, January 10th, and concurred in and adopted the resolution set out in the above and foregoing message from the Senate.

MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives:

I am directed by the Governor to hand you herewith his message to the Legislature of 1923.

Respectfully,
W. A. Darden,
Secretary to the Governor.

January 9, 1923.

GOVERNOR'S MESSAGE.

To the Members of the Legislature of Alabama:

Gentlemen: It gives me pleasure to welcome you to the capitol and to assure you of my hearty co-operation in all your efforts for the advancement of the interests of Alabama and the promotion of the welfare of her people. I sincerely hope that your session will be characterized by harmony, wisdom and sound business judgment, and that the legislation you enact may be of a character that will merit and receive the approval of the right thinking people of the State.

I earnestly advise you to avoid the enactment of too much local and special legislation. The practice is far too prevalent. No rule can be more just and equitable than that of the Legislature passing general laws and requiring all alike to regulate their conduct by them. Special laws often interfere with the administration of justice, bear unequally upon individuals and groups of citizens and tend to confound rather than protect the rights and liberties of the people. Some special and local laws may be found necessary and advisable but they should be used sparingly.

This message is sent to you in obedience to the mandate of the Constitution which requires the Governor at the close of his term of office to give to the Legislature information of the condition of the State. In submitting for your consideration such recommendations as I deem expedient and in making such comments as may seem proper, I shall leave to the heads of the respective departments, to whose efficient work and splendid co-operation I am greatly indebted, the more specific and detailed statements and suggestions, using so much of their reports as may be necessary to enable me to lay before you a general statement of the condition of the State. I shall also, through the medium of this message, render to the people of the State an accounting of my stewardship during the past four years. Perhaps no better method of rendering this account can be employed than that of mentioning specifically my campaign promises and the recommendations I submitted to your predecessors and briefly commenting upon the action of the Legislature and the administration concerning them.

The following is a list of all of my campaign pledges and the most important recommendations to the Legislature and a statement of the action of that body in response to them.

FIRST—Laws for the enforcement of

PROHIBITION

The first bill of general importance passed by the Legislature of 1919 was H. B. 7, known as the Bone Dry Law. That legisla-

tion was followed by the ratification of the Eighteenth Amendment to the Constitution of the United States by 46 states of the Union and the proclamation of the Secretary of State that the amendment had been adopted by the required number of states and was a part of the Constitution. There has been sincere cooperation between the State and Federal authorities for the enforcement of the prohibition laws, State and Federal, with the result that those laws have been reasonably well enforced, as well or perhaps better than many other laws on the statute books. The economic and moral advantages and benefits accruing to the State from the passage of State and Federal laws on this subject are incalculable and can not be over estimated.

In this connection, I shall record the true story of an attempt to amend the law so as to allow the lawful sale of non-intoxicating cereal beverages, about which there has been some misapprehension. Before the call for the extraordinary session of 1921 was issued I was visited by a small group of citizens who requested that the subject of cereal beverages be embraced in the proclamation calling the Legislature together. I declined to comply with the request on the ground that one house of the Legislature had passed unfavorably on the matter and that submission of the question again was useless. Subsequent to that interview pledges of 18 Senators and 54 Representatives to vote for the measure were presented to me. I thereupon placed the subject in the call for the session and submitted it *without recommendation*. It seemed clearly a duty to allow a vote on a question on what was virtually a request of a majority in each house. Instead of making a recommendation, I submitted arguments for and against the proposal prepared by able friends and enemies of the proposition, Hon. Victor H. Hanson of Birmingham and Dr. W. B. Crumpton of Montgomery, respectively. On coming to a vote in the House the bill was lost by a vote of 51 to 39, notwithstanding the fact that 54 members had signed pledges to vote for the measure. It is clear that a number of the members violated their written pledges. I did not then nor do I now see any harm in allowing the sale of a non-alcoholic non-intoxicating beverage. On the contrary, I believed then and I believe now that the sale and use of such harmless drinks would be in the interest of temperance and the enforcement of the law against intoxicants, but the fact remains that I did not recommend the passage of the bill out of respect to the views of leading prohibitionists who disagreed with me. I make this statement, not for the purpose of re-opening the question but simply that the truth might be known and that the responsibility of the whole matter should be placed where it belongs, viz.: on the shoulders of the members who signed the pledges, many of which were broken.

LAW ENFORCEMENT DEPARTMENT

At the adjourned session of the Legislature in 1919 the Governor was authorized to employ a special force of not more than ten men, to serve under his immediate direction, to assist him in taking care that the laws are faithfully executed. The sum of \$20,000 per annum was appropriated for the purpose.

At the special session of 1920 authority was given for the increase of the force to not more than thirty men and the appropriation was increased to \$50,000 per year. The following is a summary of the work of the department during the period from its creation September 30, 1919, to September 30, 1922:

Arrests:

Violation of prohibition law.....	1,903
Operating still	587
Having still in possession.....	292
Miscellaneous	2,167
	4,949

Disposition of Cases:

Convictions	2,043
Nol prossed	313
Acquitted	301
Abated by death.....	6
Abated by insanity.....	2
Grand jury failed to indict.....	55
Pending	2,229
	4,949

Property Seized and Destroyed:

Stills	1,394
Beer	704,349 gallons
Whiskey	10,310 gallons
Apple cider	200 gallons
Home brew	5,135 bottles

Property Confiscated:

Automobiles	44
Trucks	7
Gasoline launch	1
Railway motor car.....	1

Buggies	2
Schooner	1
Mules	6
Wagons	5
Horses	3

FINES AND EXPENSES

Cash fines	\$142,853.00
Expenses	128,662.00
Excess of fines above expenses	\$ 14,191.00

The Constitution requires the Chief Executive to "take care that the laws be faithfully executed." It is not always an easy task. In some counties the local officers are not in sympathy with certain laws and in such circumstances proper law enforcement is next to impossible. In such cases the law enforcement department has been of very great assistance. But its chief activities and best results have been obtained in co-operation with local officers with whom the most cordial relations exist throughout the State with the exceptions noted above. The accomplishments of the department have more than justified its creation. It will be seen that the cash fines imposed upon violators of the law exceeded the expenses of maintaining the department by \$14,191.00. No friend of law and order and the enforcement of the prohibition laws in particular could possibly advocate the reduction or abolition of this body of law enforcers.

This department could be enlarged and its scope of activity widened with profit to the State. It could be used to advantage in running down criminals, murderers and other grave offenders against law and society, working in co-operation with sheriffs and other local officials. Events during recent years have proved the utter inadequacy of present means and methods employed for the apprehension of this class of criminals.

The appropriation for its maintenance should be adequate for the addition to the force of highly trained specialists in the business of running down crimes of a more serious nature than those for which it is used at present.

PUBLIC HEALTH

No branch of the State government has made more splendid advances during my term of office than has the Department of Health. It has fulfilled its early promise of real achievement.

The machinery of our health organization has been perfected and adapted to the safeguarding of the health and lives of the

people of Alabama, with such success that scientists from other states and from foreign countries have come here to study our organization and to observe our plan of operation.

The improved office and laboratory facilities provided by the last Legislature have enabled the State Board of Health, in its new quarters at 519 Dexter avenue, to expand its service with the greatest degree of satisfaction and least possible expense to the State. Improved administrative methods in the Pasteur Institute have resulted in the saving of \$10,000.00 a year to the State; typhoid vaccine is now being made and distributed free to the citizens of the State. Diphtheria anti-toxin is distributed free to indigents and all other biological products are distributed at minimum cost to the purchaser.

The money which the State has appropriated for health work has, through wise handling and obvious achievement, attracted supplementary funds from the coffers of Federal and voluntary health agencies.

A total of more than \$85,000.00 from these sources has been added to the State's appropriation and spent in health protection.

These are some of the outstanding evidences of real accomplishment:

Twenty of our more populous counties have the protection of full-time health service; this covers 50% of our entire population and 31% of our rural citizenry considered alone. According to the rating of the United States Public Health Service, only two states in the Union equal or excel this record.

Safe city water supplies serve our urban population under the watchful supervision of the Engineering Bureau of the State Board of Health. As a result of safe water and full-time health service, typhoid fever is becoming more and more uncommon and deaths from this disease are fewer by about two-thirds than they were four years ago for the entire State. This means a saving of more than 2,000 lives which would have been lost by typhoid fever alone had conditions remained the same throughout 1921 as obtained in 1917.

The machinery for the collection and preservation of statistical records has been brought to a degree of accuracy which will admit Alabama to the United States Registration Area.

The hotels of the State are inspected systematically and marked progress has been made toward making the traveling public comfortable; cafes, soft drink stands and bottling plants have been brought to a very high standard of sanitation; regulations governing food supplies have met a need long felt by the general public.

Malaria control projects are in operation throughout the State and the results of this work are apparent in increased industrial efficiency in malaria sections and a lowered death rate

from malaria. Another 1,000 who were due to die from this cause, according to 1917 figures, are enjoying life as a result of preventive measures instituted by the Health Department. It is with no small degree of pride that I mention the fact that at a recent competitive exhibit held in Chattanooga by the Southern Medical Association, Alabama won first prize for malaria control work.

Alabama is rated first by the United States Public Health Service in venereal disease control. A State-wide campaign against the social diseases is carried on by means of 12 free clinics and 115 co-operative clinics which latter charged a nominal fee of \$2.00 for service which ordinarily costs from \$15.00 to \$25.00. That appreciable progress is being made toward the eradication of these diseases is shown by a constantly decreasing number of new infections combined with longer continued treatment for all cases under supervision.

Women of the underworld have been a problem in every generation. Many of these wrecks of society might be redeemed if adequate facilities were provided for their treatment and rehabilitation. I recommend that a detention home for infected prostitutes be built and adequate provision made for the maintenance of the home and treatment of its inmates.

The problem of approaching and enlightening our boys and girls on question of sex and the dangers attending exposure to social diseases has been a source of concern to parents in every age; we have here in this agency a sane program for reaching and teaching the high school boys and girls which merits the approval of every parent in Alabama.

The harmonious working relations between the various departments of the State government are gratifying. The State Board of Health and the Department of Education are working hand in hand for the upbuilding of our children.

The University of Alabama in co-operation with the State Board of Health is conducting an extension course in School Health Work for Teachers.

The Agricultural Extension Department at Auburn is in thorough accord with the aims and purposes of the State Board of Health in its program of health education, the results of which are evident in many ways, but conspicuously so in the lowered death rate from pellagra.

The Alabama Tuberculosis Association is co-operating with the State Board of Health in a general health program; Alabama is one of the few states of the Union having no hospital for the care of tuberculous citizens. I, therefore, recommend that such an institution be established.

Work already inaugurated for the protection of mothers and babies as one feature of the county health programs has been

recently expanded by the addition of a number of nurses through our acceptance of the Sheppard-Towner Act, which provides for an annual subsidy to each of the forty-eight states of Federal money to the extent of \$5,000.00 outright and an additional sum determined by the size of its population, provided, that this additional sum be matched dollar for dollar by State funds forming a budget for financing educational work with regard to the hygiene of maternity and infancy.

The funds made available to Alabama in this way amount to \$25,836.95 per annum, \$20,836.95 of which must be matched by State funds.

As Chief Executive of the State, in order to meet the demands of this Act, I accepted these funds from the government in the spring of 1921; I am recommending that a joint resolution be passed by the State Legislature confirming my executive action.

An altogether higher conception of health as an economic asset is evident among our people than that which was in evidence at the beginning of my administration. The figures quoted above represent lives saved from a few definite causes mentioned and do not take into account the higher level of health and industrial efficiency noticeable throughout the State and the higher physical rating of our school children.

An analysis of the progress of the past four years in public health in Alabama in comparison with other commonwealths convinces me of two things:

First—That the Alabama State health system is fundamentally sound and workable and that the freedom of initiative it allows the health executive combined with the lump sum budget which affords opportunity for astute business management presents a unique opportunity for the development of that quality of leadership which our democracy so sadly needs and so seldom produces.

Second—That in Dr. S. W. Welch, State Health Officer, charged with the physical well-being of our people, Alabama has a great leader for a great cause and that this leader, who brings to the working out of high purposes the ripe experience of a sound business and professional career, is pre-eminently fitted to serve and conserve the health interests of the State of Alabama.

Your attention is again called to the fact that \$85,000 was spent in Alabama last year in demonstration work by agencies outside of the State; these several activities must be taken over at some time by the State; the work must go forward or break down and an increase in the appropriation will be necessary.

I would consider it a profitable investment for the State of Alabama to place at the disposal of our health organization an appropriation of \$500,000 per year. The State could make no better investment. It would pay enormous dividends in the form of thousands of lives saved annually and in a tremendous in-

crease in the mental and physical vigor of our people, resulting in a vast increase in the producing powers of our people. That sum would be a mere bagatelle along side the increased value of crops produced by a healthy, full blooded, vigorous people.

EDUCATION

In no other field of human endeavor is interest quite so keen and general as in that relating to the education of youth. This has been true in all ages. Even the savage of the forest found his greatest joy in training his sons for achievement in the arts in which he himself excelled. The crowning glory of our modern civilization is its recognition of education as a governmental duty. All civilized peoples now make provision at public expense for the systematic training of their youth for efficient citizenship and for success in the occupations of life.

The people of Alabama have expended much of money and energy in an effort to provide education for their children. For several decades each State administration has improved upon the educational record of its predecessor. In the making of appropriations as well as in the improvement of the laws under which our school system is administered, there has been marked and continued progress.

THE SURVEY COMMISSION

In spite of the acknowledged rapid improvement in the public school system within recent years the people of the State in 1919 were face to face with the fact that the educational opportunities of a vast majority of our children were far below what every patriotic citizen desired. It was deemed wise, therefore, before passing new laws and making further appropriations, to take stock or make an inventory of what we had in the way of educational facilities, to examine into the character of the services rendered by the existing educational machinery, and to determine in what degree our educational affairs were being efficiently administered.

Upon my recommendation, the Legislature in February, 1919, passed an Act providing for the appointment of a commission of five members to make a study of the public educational system of Alabama, including all schools and educational institutions supported in whole or in part from public funds, to determine the efficiency of the same and to report its findings with recommendations to the Governor on or before July 1st of that year. In the appointment of the commission one member of the Senate, Hon. A. H. Carmichael, and one from the House of Representatives, Hon. J. E. Dunaway, were chosen, and to these were added three other well known and leading citizens, Hon. Sydney J. Bowie, Dr. R. H. McCaslin, Hon. Geo. H. Lanier,

Mr. Bowie being chairman. The recognized high character of the men composing the commission at once commanded the respect of all concerned, assured in advance general confidence in any program which might be undertaken, and guaranteed a careful consideration by the Legislature of the findings and recommendations to be submitted.

Among others the commission called as counselor the United States Commissioner of Education, Dr. P. P. Claxton. With his assistance a survey staff was selected, made up of experts from the U. S. Bureau of Education and other sources, and headed by Dr. Claxton himself. The findings of the survey staff were embodied in a report to the commission, which was published by the U. S. Bureau of Education. That report is a monumental work. It gives detailed informed on every phase of educational development in Alabama from kindergarten to university.

The commission found what was already manifest to students of education, namely, that Alabama had many excellent laws relating to schools; that they were not properly coordinated; that they constituted a patch-work system, from which a number of fundamentals were altogether omitted. A comprehensive report with recommendations was submitted to the Governor who in turn transmitted it to the Legislature. After a very careful consideration that body adopted a new School Code which was prepared by the commission with the assistance of the State Department of Education, and which became effective September 26, 1919.

The Code provided for a re-arrangement of the public school system, supplied the omissions in administrative and supervisory organization, and minimized unnecessary duplication of effort. Excepting the University, the Polytechnic Institute, and the Technical Institute and College for Women, it placed the control of the several educational agencies of the State in a State Board of Education, whose powers and duties are comprehensive, well defined and abreast of the best expert opinion and practice. The Board consists of six appointive and two ex-officio members, the Governor and the State Superintendent of Education. The terms of the appointive members are twelve years, one-third expiring quadrennially, thereby guaranteeing continuity and stability of policy and practice. All other boards and commissions, except county and city boards, were abolished and their several powers and duties vested in the State Board.

STATE BOARD OF EDUCATION

Excepting the three higher institutions mentioned, the State Board, through the State Superintendent of Education and his professional assistants, exercises general control and supervision

over the public schools of the State. The personnel of the Board, in addition to the ex-officio members is as follows: Hon. A. H. Carmichael, Mrs. Thos. G. Bush, Hon. A. L. Tyler, Dr. Daniel T. McCall, Hon. L. B. Musgrove, Hon. Jack Thorington. It is vested with all the powers and duties necessary for the efficient exercise of such control and supervision. The State Superintendent of Education and his professional and clerical assistants are the agencies through which the Board operates, the Superintendent being chief executive officer. The Board is required to hold annually four regular meetings and such special meetings as may be deemed necessary.

COUNTY AND CITY BOARDS

The county board of education elected by popular vote provided for by the Legislature in 1915 was continued by the Code. Its powers and duties were amplified and more clearly defined, to the end that in every county there might be established a uniform and more effective system of schools. The general administration and supervision of the public schools and of the educational interests of each county, with the exception of cities of two thousand or more inhabitants, are vested in the county board of education.

Among the most important duties of the county board of education is the appointment of the county superintendent of education who, under the provisions of the Code, is the chief executive officer of the county board. The duties of the county superintendent in regard to the supervision of the schools under the control of the county board are very similar to those of the State Superintendent in regard to the schools and institutions under the control of the State Board. Under the law and the regulations of the State Board only professionally trained educators of high character and successful experience are eligible for appointment to the position of county superintendent. County boards may go anywhere for a county superintendent. City boards have always had this power and that accounts in large measure for the superiority of city schools over rural schools. Yet there are those who would have the State revert to the old system of selecting county superintendents by popular election, under which system men were elected not infrequently who did not possess any professional qualifications whatever. A reversion to that method would in the opinion of experts be a backward step which would retard our educational progress immeasurably. That the Legislature would take such a step is inconceivable.

City boards of education were also retained by the provisions of the Code, and their duties and powers were also amplified and more clearly defined. Both city and county boards are clothed

with the authority and the responsibility of managing as a unit the school system within their respective jurisdictions.

Due recognition also is given by the Code to the board of school trustees which is in immediate charge of the school assigned to it by the county board. While teachers for the rural schools are selected by county boards on the recommendation of the county superintendent, the local board of school trustees has the power to refuse to accept the assignment of any teacher. It may also recommend the removal of any teacher. In other words the board of school trustees co-operates with the county board in an administrative and advisory capacity.

SCHOOL SUPERVISION

The paramount importance of expert school supervision is recognized in the Code. The State Superintendent is required to be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, who shall have had not less than five years' experience in public school work. County and city superintendents are required to hold certificates in administration and supervision issued by the State Board of Education, which certificates are issued only to educators of high professional attainments and successful teaching experience. The members of the local boards of school trustees are required to be discreet, competent and reliable persons of mature years. Principals and teachers are required to hold appropriate academic and professional certificates issued by the State Board.

STATE DEPARTMENT OF EDUCATION

Among the numerous constructive changes made by the Code that relating to the reorganization of the State Department of Education is far-reaching in its beneficial effects. The work of the Department is apportioned among ten co-ordinate divisions, as follows: Executive and Business Management, Teacher Training, Certification and Placement, Statistics, Rural Schools, Elementary Schools, Secondary Education, Physical Education, Vocational Education, Exceptional Education, and School and Community Betterment. This organization enables the Department to function in a systematic and efficient manner. Without such functioning the people cannot hope to receive the maximum of benefits from the use of moneys appropriated for educational purposes.

While this departmental reorganization along with a vast majority of the provisions of the Code are restatements or revisions of laws already in effect, the new features which set up a

uniform and articulated system for the administration and supervision of the public schools under a State Board cause this legislation to stand out conspicuously as one of the most significant contributions to educational progress in both State and nation.

I am reliably informed that among students of education everywhere the Code is regarded as being about the last word in wise and progressive educational enactments. This is attested by its endorsement and use as a textbook or for reference in the larger institutions for higher education. The wisdom of adopting the Code is evidenced further by the rapid and substantial progress which is being made under the operation of its provisions.

EXECUTIVE AND BUSINESS MANAGEMENT

The business and fiscal affairs of the Department of Education are administered through the division of executive and business management. The tremendous responsibility borne by those charged with the duty of keeping the records and seeing that the laws governing expenditures are complied with is realized when it is known that the funds handled or supervised during the last four years aggregate \$44,064,270.00. This sum includes all expenditures made for elementary schools, high schools, agricultural schools, normal schools, rural school buildings, school libraries, removal of illiteracy, transportation of pupils, vocational education, and the rehabilitation of men and women disabled in industry or otherwise. The revenues from which these expenditures were made came from State appropriations, State, county, and district school taxes, the land fund, incidental fees, appropriations made by county boards of revenue and city commissions and councils, together with all funds received from miscellaneous sources, including gifts and donations used or expended in the promotion of public education throughout the State.

Similar expenditures from similar sources for the preceding quadrennium aggregated \$21,464,728.00. The great increase in educational expenditures during the quadrennium now closing over the preceding one is due in large measure to the beneficial and progressive educational legislation enacted during that period. During that quadrennium a constitutional amendment authorizing the levy of county and district taxes for school purposes was submitted and adopted, and a large part of the increase in public school revenues has come from county and district tax levies. However, the large increase in school revenues from county and district tax levies as well as that in State revenues for school purposes has been made possible by the operation of the policy of tax equalization pursued by this administration.

The increase in the State apportionment to counties during the past four years over the preceding like period has been from \$8,686,900.00 to \$11,101,379.00, a net increase of \$2,414,479.00. The per capita apportionment has been raised from \$2.86 to \$4.59.

During the past four years other increases for services under the State Board of Education have been as follows: For the general education fund from a net amount of \$161,500.00 annually to \$500,000.00; for the rural school buildings from \$134,000.00 annually to \$221,500.00; for the removal of adult illiteracy from nothing to \$12,500.00 annually; for vocational education from nothing to \$102,000.00 annually, which is matched by the Federal government; for the rehabilitation of men and women disabled in industry and otherwise from nothing to \$21,872.95 annually, which is matched by the Federal government; for high schools and secondary education from \$201,000.00 annually to \$271,000.00; for the State secondary agricultural schools from \$43,500.00 annually to \$75,000.00; for the State normal schools from \$114,000.00 annually to \$214,000.00; for the revolving fund used by the State Board of Education to equalize educational opportunities from nothing to \$100,000.00 annually; for statutory salaries in the Department of Education from \$9,600.00 annually to \$14,640.00. An appropriation of \$30,000.00 was also made to each of the four Class A normal schools for the erection of a training school building. Three of these buildings have been erected and the fourth is under construction.

TEACHER TRAINING, CERTIFICATION AND PLACEMENT

In view of the enormous expenditures being made for education it becomes more and more important that the standard of instruction be of the highest type, for in the final analysis the teacher makes the school. Through the division of teacher training, certification and placement, teachers are being professionally trained, certified and placed. This division has direct charge of the preparation of courses of study for the elementary schools, the supervision of instruction, the training of teachers in service, and the approval of courses of study in normal schools and other teacher training institutions.

STATISTICS

Through this division a definite and co-ordinated system of accounting has been set up for the State Department and for all of the counties; also for all of the institutions under the control of the State Board of Education. The division under the direction of the State Superintendent has prepared blanks, forms, registers, rules and regulations for all statistical reports re-

quired of county, city, district and institutional officials. It has also attended to the editing of circulars, bulletins and reports issued by the State Department. The services rendered have justified the establishment of this division.

RURAL SCHOOLS

Through the division of rural schools the State Department of Education administers the appropriation made for the erection, repair and equipment of rural school buildings. During the past four years buildings have been erected, repaired and equipped with State aid as follows: New buildings, 587; old buildings repaired, 478; buildings equipped, 722; total cost, \$4,509,925.00. The cost to the State for drawing plans, inspecting and supervising the construction of these buildings was \$28,542.00, or less than one per cent.

The consolidation of schools and the transportation of pupils are promoted through this division. During the past four years 490 small schools have been combined into 206 consolidated schools, thereby increasing the enrollment of pupils in those schools from 13,946 to 32,728. The enrollment of pupils in high school grades in the communities affected has been increased from 748 to 5,936. The number of transportation vehicles employed is 285 and the number of pupils transported is 9,154. The cost of transportation in 1921 was \$221,284.00. In the opinion of students of education consolidation and transportation are essential to the solution of our educational problem in the rural districts. Hence my administration has fostered the movement. Practically all of the progress made in consolidation and transportation has been made during the past four years.

ELEMENTARY SCHOOLS

What has been said of the rural schools division is applicable in large measure also to the division of elementary schools, since most rural schools are of elementary grades. The work of the elementary schools division is co-ordinated with and performed through the division of rural schools and the division of teacher training, certification and placement. Such co-ordination is specifically authorized by the Code.

SECONDARY EDUCATION

The most phenomenal growth in our school system has been that which has come in the development of our high schools. During the present quadrennium the enrollment in high schools has increased from 26,457 to 50,000, or approximately 90%. The increase for the preceding quadrennium was from 20,293 to 26,457, or approximately 30%.

During the last three years the number of accredited high schools has increased from 149 to 205, or 37%. The supervision and accreditation of high schools prior to the adoption of the Code in 1919 was not directly under the State Department of Education.

Through the division of secondary education the State Department has been able, in spite of the rapid and unprecedented growth in numbers, fairly well to standardize the work of our high schools. However, since the junior high school has been made a part of our educational system the work of the division of secondary education has been greatly augmented. As a result the present force in that division is greatly over-loaded and finds itself utterly unable to visit and inspect many of the schools seeking accreditation.

PHYSICAL EDUCATION

The world war and the draft opened the eyes of the American people to the lack of physical fitness in its young manhood. Almost one out of three of the young men called to the colors during that war proved to be physically unfit for military service, and hence physically unfit for the maximum efficiency in any line of work. As a result both State and nation are giving attention to physical and health education.

The Code provided for such a division in the State Department of Education and through that division a program of physical and health education has been projected. This program has been inaugurated in a majority of the counties and has the hearty endorsement and active support of the State Health Department. The adequate support of this program can but mean a more vigorous childhood, a healthier and stronger manhood and womanhood in the future.

VOCATIONAL EDUCATION

Reference to appropriations for vocational education and rehabilitation training has already been made in the statement relating to executive and business management, in which the appropriations for such purposes were given as amounting to \$123,872.95 annually. As stated these appropriations are matched dollar for dollar by the Federal government.

Courses are given in agriculture, trades and industries, and home economics in the regular day schools, and at present there are in round numbers two hundred centers in which instruction is being given to more than five thousand pupils. In addition, part-time and evening classes have been organized in all three of the subjects and more than fifteen hundred men and women are receiving instruction in these classes.

In the rehabilitation service vocational training is given to men and women disabled in industry or otherwise. It is essential that such instruction be given such men and women before they have become burdens on society and have lost the all-important feeling of independence so necessary to every individual who is to play an active and successful part in the affairs of everyday life. The continuance of this service in increasing effectiveness is demanded by every humanitarian consideration.

EXCEPTIONAL EDUCATION

It has long been regarded a State duty to provide for the education of our children. The responsibility has been accepted with wider applications by each succeeding Legislature and at the session of 1915 this responsibility was extended so as to include the adult illiterate, who in many cases through no fault of his own had reached his majority without the ability to read and write. The last Legislature went farther than any preceding one and directed the State Board of Education to organize a division of exceptional education to promote the work of removing adult illiteracy. An annual appropriation of \$12,500.00 was made and through its wise expenditure it has been possible materially to reduce the number of adult illiterates in Alabama. With an adequate appropriation adult illiteracy could be reduced to a minimum before the next Federal Census is taken. I recommend that the appropriation for the removal of illiteracy be increased to not less than \$35,000.00 per annum.

SCHOOL AND COMMUNITY BETTERMENT

Through the creation of the division of school and community betterment in the Department of Education, Alabama put herself in line with one of the most important educational movements of the present day, the community-organization movement, the purpose of which is that the public school and the schoolhouse may be made more valuable to the communities in which the schools are located. This division has direct charge of school improvement, parent-teacher, and community organization work throughout the State. It encourages and co-operates with all agencies designed to foster the betterment of school and community interests.

There are at present 489 school welfare organizations and mothers' clubs with which this division is co-operating. More than a million dollars is raised annually through community organizations of one kind or another. It is apparent, therefore, that the promotion and supervision of community activities along educational lines are proper functions of the State Department of Education.

This division was provided for in the Code at the instance of the Alabama Federation of Women's Clubs and through its activities the public schools are coming rapidly to be the civic and social centers of the communities in which they are located. The results obtained more than justify the cost entailed.

NEGRO EDUCATION

Our people are coming more and more to realize that education is a natural right and should be a universal privilege. As a result of this widening conception wherever there is a colored population in our State there is manifest an increased interest in providing for its education. This has been due to several reasons, one of which is economic, it being recognized by the dominant race that in order to secure and retain efficient workers for agriculture and industry in any community it is necessary to provide more adequate educational facilities for their children. Another and higher reason has been the growing conviction on the part of the leading men and women of the South that simple justice and the preservation of the highest interests of this section demand that the negro be given educational opportunities commensurate with his ability to profit by and utilize them in the performance of his duties as a citizen.

With both of these forces at work it has been possible during the past four years to make material progress in negro education, especially along vocational, industrial and moral lines. It is believed that the education provided for the negro should be dominantly industrial and moral rather than dominantly cultural and professional.

In the promotion of negro education the State Board of Education has had the co-operation of the General Education Board, the John F. Slater Fund, the Julius Rosenwald Fund, the Jeanes Fund, and the Phelps-Stokes Fund, for which co-operation all concerned are duly grateful.

REVOLVING FUND

Attention is called to the revolving fund, the reasons for its establishment and the conditions rendering necessary its continuance and augmentation. The amount of taxable property in the several counties varies widely. In a county like Jefferson or Montgomery the three-mill school tax, county and district, together with the State per capita apportionment, supplies funds sufficient to maintain free schools for the white children for terms of nine months and in the former almost similar terms for the negroes; whereas the same taxation in such counties as Cleburne or Lawrence provides school terms of less than five months. Thirty-seven counties have terms shorter than six months.

Facts similar to these caused the Legislature of 1919 to provide a revolving fund of \$100,000.00 annually to be used by the State Board of Education for lengthening terms and otherwise bettering conditions in rural schools, and for worthy purposes for which no adequate provision had been made. During the past year forty-six counties have participated in the distribution of this fund. However, it would require an equalizing fund of at least a million dollars to provide a term of seven months for all of the white schools. An average term of nine months is regarded as the national standard. Alabama should be satisfied with nothing less for her children. I recommend a revolving fund of not less than \$300,000.00.

What have we that may be thought of as having the highest excellence in the matter of constituting a satisfactory system for the education of our children?

1. We have a code of laws providing the machinery for the administration and supervision of the schools second to none in the nation. This is conceded by the educational experts of the country.

2. We have a county unit of school administration approved by educators generally and by students of economy as furnishing the only satisfactory way of bringing the management of the schools close to the people and yet providing units large enough for taxation, support and professional leadership, all of which are essential if there is to be a continuous policy in educational matters.

3. We have a State Board of Education which functions through the State Department of Education, in the organization of which every element of educational service has a representative responsible through the Department to the State Board for promoting that phase of our educational program with which he is specifically charged. The service of this Department is not that of a bureau or agency separate and apart from the actual work of the schools. Each member of the staff has a definite duty to perform, assists and has a part in the actual work of the schools, comes into contact with and learns first-hand the various needs, and out of this knowledge uses every means to secure the greatest returns possible to the taxpayers for expenditures made. In other words, the State Department has ceased to be merely an old-time auditing department and has become a new-time administrative and supervisory department.

4. We have a system of teacher-training in our normal schools for elementary and junior high school teachers second to none. In spite of the limited appropriations, less than half of the average for the nation, these institutions are rendering to the taxpayers a service in the preparation of teachers out of all

proportion to the funds provided for their operation. A recognition of this fact on the part of our law-makers can but result in increased support of these institutions.

5. We have three splendid institutions of

HIGHER EDUCATION

namely: the University, the Polytechnic Institute and the Technical Institute and College for Women—all suffering for want of money to sustain them.

None of these colleges has received the support necessary for its proper maintenance. All forward-looking citizens deplore the niggardly treatment they have received from the Legislature in the past. Better provisions must be made for them if they are to accomplish the work for which they were created. The University and the Polytechnic Institute are now conducting campaigns for the purpose of raising funds for the erection of buildings to meet pressing necessities, and a campaign for Montevallo is in prospect. That money should be paid by the taxpayers of the State as other money is paid for the building of State institutions. The amount of contributions in prospect will be utterly inadequate for the erection of buildings sorely needed, while no provision whatever is being made for the funds necessary for the increased costs of maintenance. Something must be done and it must be done at once. A bond issue for the benefit of the State colleges has been suggested. There are sound reasons why a millage tax is to be preferred to a bond issue. In the first place, the millage tax would guarantee a more permanent solution of the problem, whereas a bond issue would constitute nothing more than a temporary and partial remedy and would entail a perpetual annual interest debt. In the second place the millage tax would provide more comprehensive relief for the reason that money thus secured could be used both for building and for maintenance purposes, while the proceeds of a bond issue would obviously be absorbed in building purposes alone. While the institutions sorely need additional buildings and equipment there is a still more vital need of larger maintenance funds. It must be kept in mind that the main thing after all, is effective teaching, which costs money. As between inadequate buildings and inadequate teaching there can be but one choice.

An amendment to the Constitution providing for a millage tax would be in line with modern procedure in many progressive states. I recommended the submission of an amendment to the Constitution providing a permanent millage tax for buildings, equipment and maintenance for the University of Alabama, the Alabama Polytechnic Institute, the Alabama Technical Institute and College for Women, the Class A normal schools and the

A. & M. College for Negroes, to be apportioned according to the needs of each institution. The submission of an amendment would require time, while the institutions are in immediate need of larger maintenance funds. So, therefore, I recommend that the funds for the maintenance of all the institutions mentioned above be increased not less than fifty per cent for the first year of the ensuing quadrennium and that substantial increases be made for each of the succeeding three years to meet the growing yearly demands.

Adequate financial provision for higher education, essential as it is, carries with it another responsibility on the part of the State. I refer to the responsibility of requiring a sane and economical use of the money made available, whether by appropriation or by a bond issue or by a millage tax. Wise regulation of the use of money devoted to higher education means that a million dollars will go farther than two millions under a system of useless duplication of institutional effort. Can we justify to ourselves or to the taxpayer any policy that involves a plain refusal on our part to demand the economical expenditure of money devoted to higher education?

Entertaining this conviction the Legislature four years ago created a commission to study the whole problem, to which reference has heretofore been made. This commission brought to its aid the best expert advice. Certain conclusions were reached. These conclusions were publicly announced. It was thought that the problem had been solved. I regret, however, to report that the program has already been largely defeated by subsequent events. The result is that the Legislature alone, under the limitation of the present Constitution, is capable of dealing with the situation effectively.

The Legislature can, if it so elects, condition the appropriation of money to higher education upon a faithful performance by each institution of higher learning of the precise service it is designed to render. Or perhaps a more satisfactory method of securing the faithful performance of services according to the agreed program would be the placing of all institutions of higher education under one governing body, either a general board of trustees or the State Board of Education. My judgment is, and it is the judgment of educators with whom I have discussed the subject, that the latter is the better plan and I, therefore, recommend that you submit to the voters an amendment to the Constitution to provide that the University of Alabama, the Alabama Polytechnic Institute and the Alabama Technical Institute and College for Women be placed under the management of one board of trustees, to be appointed by the Governor and confirmed by the Senate, or the State Board of Education.

If the law-making power fails to do its plain duty in this respect, there will be an ever-increasing duplication of work resulting in wanton waste of the taxpayer's money. There will be an ever-increasing spirit of institutional antagonism. There will be a lamentable lack of institutional unity and efficiency, which will delay indefinitely the building of a comprehensive modern system of higher education. A reasonable regard for the rights of the taxpayer demands that the Legislature shall require the institutions of higher learning to subordinate their own individual ambition to the larger good of the State. Naturally each institution, if left unrestricted in its program, will be tempted to view the problem from its own viewpoint. There will inevitably result conflicting action. The question is: Who shall decide what is the sane and right thing to do? Only the disinterested expert is qualified to render that service. Four years ago we summoned a body of experts to show us the way. We have on record their findings. Shall we follow them?

No one will dispute the fact that civilization itself advances only as the expert is respected and his leadership followed. Shall we refuse to accept the findings of our own experts in this matter? Are we to ask the taxpayers to meet the useless expense involved in a refusal on the part of their representatives to meet courageously this issue? If we refuse to meet it, chaos will result. Money will be wasted. The partisan spirit will flourish ever more and more. Inefficiency in the whole field of higher education will be the certain fruit of our folly.

Our institutions of higher learning need money, and must have it. But, in giving it to them, we owe it to them and to the taxpayer to demand, in advance of embarking on any program involving largely increased expenditures, that disinterested, expert advice shall be respected by them in formulating the curricula they adopt. That is the only way to guarantee economy and efficiency. On that basis, and no other, would I advocate the larger program and expansion implied by my recommendation for largely increased appropriations through a levy of a millage tax.

ALABAMA SCHOOL FOR THE DEAF
ALABAMA SCHOOL FOR THE BLIND
ALABAMA SCHOOL FOR THE NEGRO DEAF AND BLIND, TALLADEGA, ALABAMA

From the report of the Board of Control and Economy:

"These three schools are under one management and while mentioned separately, they are operated together, hence will be referred to here in a group.

On assuming control of these schools granted the Board by the Act creating it, they were visited by members of the Board, and a survey made of them, with recommendations.

It was found that these schools did not own sufficient land to operate a farm or garden of any great extent. The inmates of these schools remain only through a school period of nine months, consequently but little attention has been given the farms and gardens at these places. General sanitary conditions and housing conditions were found to be very good at these institutions. Such defects as were noted were of minor importance and readily remedied. Few important changes of specific nature have been made in the management or method of conducting these schools.

At the School for the Deaf they have added to the faculty a teacher in lip-reading, and obtained excellent results. A linotype machine has been added to the printing equipment of this school where they have been turning out very good work. Their vocational shops have been overhauled and are now in use by the institutions.

The School for the Blind has added to their faculty a teacher in fancy work and basket weaving, and has accomplished a great deal. A player-piano has been added to the equipment of this institution to aid them in their studies to qualify as piano tuners.

A method of issuing supplies and keeping track of same has been installed by the Board, as has been done at all institutions. The store rooms at each institution are taken charge of by one person, and the supplies issued to the culinary departments daily, and a report of same made to the Board monthly on what is known to us as a Ration Sheet, the correctness of which is certified to by the head of each institution.

An audit of the books of these institutions revealed the fact that they were all in debt when the Board of Control and Economy took charge, and were operating under great difficulty, and with the high cost of commodities used by them, and their inability to produce same, it was evident that relief could only be had by an appropriation giving an increase in maintenance.

Under provision of an Act approved September 30, 1919, to be found on page 797, the maintenance appropriation for the School for the Blind was increased from \$230.00 to \$300.00 per annum per capita.

Under provision of an Act approved September 30, 1919, to be found on pages 801 and 802, the maintenance appropriation for the School for the Deaf was increased from \$230.00 to \$300.00 per annum per capita.

Under provision of an Act approved September 30, 1919, to be found on pages 753 and 754, the maintenance appropriation for the School for the Negro Deaf and Blind was increased from \$230.00 to \$300.00 per annum per capita.

All of the schools are now living within their income. During the fiscal year just passed they have made substantial payments on the outstanding notes given by the Principal, F. H. Manning, to cover accumulated deficits resulting from inadequate appropriation previous to the Acts of 1919 increasing same.

If additional lands could be acquired on which to employ the deaf in gardening, and truck growing, also dairying and poultry raising, they would have an opportunity over what they now have, to increase their earning capacity after they leave the school. The lands adjoining the school property, however, are held at a very high price, and it is doubtful if sufficient of it could be economically acquired for this use.

The principal of the school, F. H. Manning, is asking for additional appropriation in order that he may employ for the School for the Deaf a teacher of manual arts, a teacher of domestic science, an additional literary teacher, an instructor in tailoring and an instructor in shoe-making; for the School for the Blind, two additional teachers, and two teachers for the School for the Negro Deaf and Blind.

The attendance at all three schools has increased largely during the last two years, and if it continues to increase new buildings and equipment will be necessary to accommodate these schools."

I recommend that an appropriation be made for the purchase of the land required for the purposes mentioned in the report above, including a first-class dairy and cows sufficient to supply the schools with milk and butter; also for the employment of the teachers and instructors asked for by Mr. Manning.

PUBLIC ROADS

It would be superfluous to discuss the value of improved highways and bridges. The subject has been thoroughly considered in two campaigns which were conducted in the interest of amendments to the Constitution of the State providing for the issue of \$25,000,000 road and bridge bonds. At the first election the amendment was ratified by a vote of 83,607 for the amendment to 12,026 against. The second election resulted in the ratification of the amendment by a vote of 111,524 to 22,918. It is therefore certain that the people of the State are thoroughly committed to the policy of building a system of improved highways and bridges. For details of the building of roads and bridges, completed, under process of construction and projected, I refer to the report of the State Highway Engineer. That report speaks for itself and shows good progress under the difficult circumstances.

I have just three recommendations to submit touching the subject:

First: That the Highway Commission be reduced in numbers. My judgment is that more satisfactory results would be obtained by a well-paid commission of three members, or by the employment of one man to serve as Commissioner of Roads and Bridges, vested with all the authority that is now vested in the Highway Commission. The salary should be sufficient to command the services of a high class, outstanding business man. It is my firm conviction that such a man devoting his entire time to the work would save the State many times the salary paid him and that the results would be very much more satisfactory to all concerned than can be expected from any unpaid commission whose members devote but a day or two each month to the work.

Second: Better provision should be made for the maintenance of roads. Constant repairs are absolutely necessary. Under the system which has prevailed heretofore a great part of the money spent for the building of roads has been absolutely wasted. To accomplish the necessary protection to the roads more funds will be required than are now provided for by law. I would recommend the levy of a tax of not less than two cents

per gallon on gasoline, all of the proceeds to be devoted to the upkeep of roads built with State and Federal funds.

This is a matter of tremendous importance. To neglect it will cost us millions of dollars; to take hold of it and solve the problem will save us millions. I solemnly warn the Legislature and the people of Alabama that if adequate provision is not made to protect the roads which will be built with the proceeds of the \$25,000,000 of bonds that money will be wasted in a very short period of time. I firmly believe that it would be wiser to stop right where we are and not build another mile of road than to go on with the program without providing the means for proper and sufficient maintenance.

Third: The weight of trucks allowed on the public highways should be limited to a tonnage that would protect the highways against the terrible abuse to which they are being subjected. Thousands of dollars of good roads are being daily destroyed or rendered almost unfit for use by these heavy vehicles operated for private gain. I strongly recommend that this matter be carefully investigated and that laws be enacted for the protection of the roads against these road-destroying vehicles. Furthermore, the license tax on motor trucks is entirely too small and should be materially increased. It will scarcely be possible, even with weights regulated, ever to compel these freight carrying trucks to pay a tax which will approximate the amount of damage they inflict on the highways.

ALABAMA SEAPORT AMENDMENT

Ratification of the Alabama Seaport Amendment by the voters in the November election provided a plan for State development which is as complete as can be made. The action of the people in approving the constitutional amendment is cause for congratulation. It shows that they can be trusted to do the proper thing when they have received full information regarding the subject.

The development of the port at Mobile should benefit every citizen of Alabama. This development will be an invitation to the ships of the world to make Alabama's port a stopping place for the loading of the immense cargoes which are now passing our own port en route to the port of another state. It will be an invitation to all developers of industry to use the giant waterway system developed by the American government—the Warrior river. It will be a means of stimulating business in general because water transportation means lower freight rates and lower freight rates mean a greater movement of commerce and a greater movement of commerce means the financial betterment of every citizen.

Every patriotic and enterprising citizen now looks forward to the day when Alabama cotton will move to foreign markets from Alabama's seaport and when Mobile will be the concentration point for the commodities of the Southern States.

The people have said that the seaport should be developed and have provided the means for the development. It is now the duty of the State to complete this development at the earliest possible moment consistent with good business practices. But the people would not have the State sacrifice their money for the sake of speed. It would be far better if there were some delay in development if such delay would mean the protection of the State's money.

It is now the plan of the State Harbor Commission to have engineers make thorough surveys of the State's harbor front and facilities and prepare recommendations before starting the development. This is commendable and I would urge the Legislature to lend whatever assistance it may deem necessary in furthering this plan.

In this development it is not necessary that a few persons extort money from the seaport development fund. It is within the power of the Legislature to safeguard expenditures. If there are any persons, resident or non-resident, who hope to dispose of their property at prices disproportionate to their value it is the duty of the State to use the statutes permitting the condemnation of property for public purposes. If these statutes are not broad enough the Legislature holds the remedy within its hands.

While the people have provided the funds and approved the development program, in the final analysis the responsibility for the actual development and the responsibility for the use or misuse of the public funds will be upon the Legislature.

BUDGET SYSTEM

Of prime importance and far-reaching effect was the adoption of a budget system. The budget law provides for a commission composed of the Governor, the Attorney General, and the State Auditor, charged with the duty of preparing and submitting to the Legislature within fifteen days after it convenes in regular session a budget for the ensuing four fiscal years. Said budget shall contain a complete plan of proposed expenditures and estimated revenues for the ensuing quadrennium. It is provided further that the Governor shall transmit to the presiding officer of each house bills for all proposed appropriations of the budget, clearly itemized and classified, and secure their introduction in each house as soon as practicable. A further and most important provision is that the Legislature will not alter said

bills except to strike out or reduce items therein unless by a vote of two-thirds of the members elected to both houses. There are other wise provisions in the law designed to prevent the over-appropriation of the public funds. This system or some other with similar purpose should be incorporated in the Constitution of the State, thereby forever keeping the expenditures within the income.

FINANCES AND TAXATION

The tax question is difficult, complex and vexatious. The most intelligent and painstaking examination and unselfish consideration are essential to its wise solution. Progress was made by the Legislature of 1919 with results as satisfactory perhaps as could be expected under our Constitution. An amendment to the Constitution broadening the powers of the Legislature so that it might classify property and apply lower rates to personal property than the rates applied to real property would, in my opinion, produce general satisfaction. The higher rate applied to personal property seems to be an irresistible temptation to many owners of such property to conceal it from the assessor, whereas a lower rate would be likely to bring hundreds of millions of values out of hiding and greatly increase revenues. However, this Legislature must work under the Constitution as it is written and therefore any suggestion for the classification of property can be adopted only for the use of a succeeding Legislature. I recommend the submission of such amendment.

It is a matter of congratulation and just pride that I am able to state that our finances are in a healthy and prosperous condition. It has not been necessary to borrow any money since November, 1920, when the last loan was negotiated. A considerable sum of interest money has been saved. The State has discounted all bills subject to discount and quite a sum has been saved in that way.

At the close of the fiscal year September 30, 1922, the State was free of floating indebtedness, \$500,000 of the bonded State debt had been retired and a good working balance was in the treasury. I refer to the Auditor's report for details.

The confidence of the public in the credit of the State was favorably shown by the terms on which \$3,000,000 of the issue of \$25,000,000 road and bridge bonds were taken. Those bonds bearing 4½ per cent interest were sold at a slight premium over par and accrued interest.

I call your attention to the following excerpt from the very able, clear and satisfactory preliminary report of the State Tax Commission, embracing the period from October 1, 1919 to September 30, 1922. I heartily approve the suggestions of the Com-

mission for the levy of an income tax and for the amendment of the laws governing the assessment of property. I earnestly commend them to your favorable consideration, firmly believing that when you fully realize the obligation resting upon you to provide the funds necessary for the proper conduct of the government you will hesitate to destroy the only system of assessment that has ever produced anything approaching equalization and substitute therefor a system such as has been suggested and which would, in my judgment, produce what would be practically government by voluntary contribution. Names of officers may be changed without damage to the assessment machinery, but the destruction of the principle underlying the present system would prove disastrous. It would mean a stoppage of all progress and a backward movement all along the line. It would mean one of two things, viz.: either reduced appropriations for education, for Confederate soldiers, for the insane hospitals, and other eleemosynary institutions and for practically all other purposes, or the creation of a huge floating debt and consequent injury to the credit of the State. The quotation from the above mentioned report follows:

PROPERTY ASSESSMENT

"In every law covering the assessment of property the most important consideration should be that ample measures are provided for securing equalization. This truth is universally recognized, but it has been asserted so often that it apparently no longer makes an impression on the minds of those who are responsible for the revenue laws of this State. If the tax laws of Alabama for the past twenty-five years relating to the assessment of property are to be taken as evidence, and if the Legislatures enacting these laws have represented the true sentiment of the people, the conclusion must be reached that the people of the State do not want equalization in the assessment of property. A careful study of the revenue laws enacted in the last quarter of a century shows that not under any one of them, with the possible exception of the law of 1919, was equalization possible.

Under all of these laws final decision of assessment valuations has rested with Courts of County Commissioners and County Boards of Revenue, or with petty juries in Circuit Courts. There are sixty-seven Courts of County Commissioners or Boards of Revenue in Alabama, each composed of from three to five members. To suppose that the decisions of these Boards would result in State-wide equalization is to suppose that the several hundred members of these Boards are possessed of equal intelligence and character, have had the same knowledge and experience in tax matters, are controlled by the same motives and purposes, and are equally capable of resisting the influence of locally important citizens. Such a supposition, of course, could not possibly be well founded.

Still more absurd, if equalization is desired, is the plan of leaving the question of valuation of property to petit jurors. Even two juries on the same day and in the same court will, in a large majority of cases, render verdicts entirely out of line with each other so far as equalization is concerned.

We think the question whether equalization is really wanted should be faced squarely and answered honestly. If the answer is in the affirmative,

this Commission is of the opinion that to secure it the State must supersede the county as the unit for assessment valuations, appeals to petty juries must be abolished and a sufficient sum must be appropriated for a thorough investigation and revision of tax valuations throughout the State.

It is contended by some that a law which does not provide for an appeal to a court in which a trial by jury can be had would not be constitutional, because of the provision in our State Constitution against abridgement of the right of trial by jury and the "due process" clause in the Fourteenth Article of the Federal Constitution. In the opinion of this Commission, this contention is not sound and is contrary to the view taken by all well known authorities on taxation. These authorities hold that the constitutional provisions referred to have no application to revenue laws. Cooley, in discussing this question, citing numerous authorities for the conclusion reached, says:

'Such a construction applied to tax cases would work a thorough and radical change in the principles on which taxation is now supposed to rest. It would cripple the legislative power and subject the action of the department whose function it is to make laws on its own views of the question of public interest and public policy which the laws involve, to a review and possible reversal at the hands of a jury. . . . To make juries the assessors of the claims of the State upon individuals could only introduce anarchy; one jury reaching one conclusion regarding the public needs and the justice of its demands, and another another, until the State would be without general rule, and must fall to pieces from the incurable insufficiency of its government. Such construction of a clause agreed upon as an important provision in a charter of government can never have been intended.'

Our own Supreme Court holds that constitutional provisions relating to the right of trial by jury have no application to tax laws. In the case of *State vs. Bley*, 162 Ala. 239, our Court decided that "the constitutional right to trial by jury is not an enlargement of the right nor does it extend to cases in which it did not exist at the time of the adoption of the Constitution; it does not extend to taxation proceedings."

While a system of taxation, such as that in Alabama, in which the county is made the unit of taxation, practically renders equalization impossible, it is undoubtedly true that in the Revenue Act of 1919 an important step towards equalization was taken in providing for the appointment of Tax Adjusters to be paid salaries, instead of fees or commissions, and to work under the direction and control of the State Tax Commission.

Realizing the possibilities of a better equalization under this law, the Commission at once called a meeting at Montgomery of the Tax Adjusters. This meeting was called principally for the purpose of impressing upon the Adjusters the fact that this Commission regarded equalization,—not alone as between individuals, but as between counties, as the most important feature of assessment valuations. This has been the fixed policy of this Board and this policy has been time and again impressed on Tax Adjusters by correspondence, by general letters of instruction and by visits of representatives of the Board to the different counties.

In its work of equalization, the Commission soon discovered that there were certain classes of property, such as stocks of merchandise, machinery, and materials of manufacturing companies, etc., the true value of which could not be determined by a simple inspection by Tax Adjusters. Determination of these values required a knowledge which, in the judgment of this Board, could only be secured by an intelligent examination of the books of the owners of the property. We believed that the law gave to the Commission the right to have these examinations made and that we could not proceed intelligently in the work of equalization without the knowledge gained in this way. We, therefore, employed and trained a number of accountants for this work. In the main the taxpayers of the State permitted the exam-

ination of their books without objection, but in Birmingham and Montgomery a considerable number of the larger taxpayers denied the authority of this Commission to examine the books of taxpayers. It became necessary to institute a test suit to determine whether or not the Commission was given by law the authority claimed. In the final decision of this test suit by our Supreme Court, the contention of this Board was sustained. In some respects, however, the decision of the Court is not so complete as to remove all doubt and we recommend that the right of the Commission to examine books be made clear, full and explicit in whatever law may be enacted by the next Legislature. We regard this matter as of the highest importance. In our judgment, no one thing which this Commission has been able to do has been and will continue to be of so much benefit to the State as the assertion of the right of the State, through duly accredited agents, to examine books of taxpayers. This right is fundamentally an essential of fair and equal valuations of property and without it there can never be even an approximate equalization of assessment.

While equalization in Alabama is not yet an accomplished fact, it cannot be denied that the work of this Commission through the Tax Adjusters has resulted in a better equalization of property assessments in Alabama than ever before known in the history of the State.

This better equalization of tax valuations, based on the common standard of sixty per centum of actual values, has resulted in a large increase in total assessment valuations and a corresponding increase in both State and county revenues.

As a matter of general interest we submit below a statement of the average total of assessments for each four-year period since 1903:

	Average Total.	Increase.
1903 to 1906, inclusive.....	\$ 339,838,218.00	
1907 to 1910, inclusive.....	477,747,854.00	\$ 137,909,636.00
1911 to 1914, inclusive.....	576,135,391.00	98,387,537.00
1915 to 1918, inclusive.....	669,293,010.00	93,157,619.00
1919 to 1922, inclusive.....	896,471,424.00	227,178,414.00

In comparing the past four-year period with the four-year period preceding, cognizance is taken of the fact that for three years of the latter period the assessment was made in 1916, when the ravages of the boll weevil had been unusually large and when there had been a great destruction of crops by floods.

Notwithstanding the fact that the last four-year period includes the tax year 1919, in which the assessment was substantially the assessment made in 1916 under the 1915 Act, the increase is more than double the increase for any preceding period except the period 1907 to 1910, inclusive. If the year 1919 be excluded, the average annual assessment under the present law for the years 1920, 1921 and 1922 would be \$951,203,603.00, an increase of \$281,910,593.00, or over 42% as compared with the four-year period 1915 to 1918 under the 1915 law.

We think the figures given in this report clearly show that the present law is the best under which the State has ever operated. Not only is there a better equalization of taxes, but the increase in assessment valuations and revenue, greater proportionately than under any previous law, shows that this increase is due, not alone to the natural growth and progress of the State, but to a better administration in the matter of assessing property, made possible by the Revenue Act of 1919.

It has been claimed that the increase in assessment valuations of property has placed upon the people an excessive burden of taxation. During the past year when a political campaign for nearly all important State and county offices was being conducted, this claim of excessive taxation became

the popular cry of nearly all candidates, more probably in most cases as a means to an end than from conviction. So far as we have heard, no candidate advocated a reduction of the activities of the State government for the public good and none offered a suggestion of a means by which these activities could be maintained with a material reduction in State income. If some unpopular feature of the present law,—unpopular because of its efficiency,—is to be gotten rid of, additional taxes from other sources must be created if the usefulness of the State government is not to be impaired.

The wisdom of abandoning a law, the efficiency of which has been demonstrated, and of substituting therefor one creating new taxes which may prove equally unpopular may well be questioned.

But is it true that there is excessive taxation under the present law? If so, it is because of the high rate levied by the counties of the State,—not because of any State law, but because the citizens of the counties have voted and are continuing to vote upon themselves special taxes for schools and other purposes. Would they continue to vote in favor of these special taxes if they were already overburdened with taxation?

But, however this may be, this Commission is convinced that no excessive taxes are being collected for State purposes. In support of this opinion we call your attention to the following facts:

First. Figures submitted to you some months ago, which we do not think it necessary to reproduce here, showed that the tax rate in Alabama for State purposes is less than in any other Southern State except one and that it is the same as in that one.

Second. Taxes cannot be excessive in at least fifty-two counties of the State, because in each of these fifty-two counties the taxes paid to the State, including property taxes, business licenses, hunters' licenses, mortgage taxes, solicitors' and trial fees and poll taxes, total less than the amount returned to the same counties by the State for public schools, court costs, Confederate pensions, feeding prisoners, etc. In other words, in these fifty-two counties, taxes paid to the State are equivalent to an investment which is repaid in full each year and an added profit considerably more than the eight per cent which the State fixes as a fair return for the use of money. It is difficult to see how State taxes can be excessive under these circumstances.

It is worthy of note that most of the complaint of excessive taxation comes from the fifty-two counties favored, as here explained, in the distribution of State funds.

We attach hereto, Exhibit B, a statement showing the amount paid into and received out of State funds by each of the counties in the State.

Third. In the assessment of property there has been no over-valuation, as has been frequently claimed. This Commission, through its field agents and tax adjusters, had examinations made of the deed records in each county of the State, covering a period of several months just before and after October 1st of the tax year. Deeds do not always express the true consideration for the conveyance of property, even when they purport to do so. It has grown to be almost a custom to express in conveyances a consideration less than the true one in order that tax officials may not find out the real value of property. Nevertheless, from reports furnished this Commission only a few instances were found,—not more than a dozen in the entire State,—in which the assessment exceeded sixty per cent of the consideration shown by the deed. The reports as a whole showed that the average assessment was a fraction more than forty per cent of the sale price as expressed in the recorded conveyances.

Of the 32,818,560 acres in Alabama the Federal census classes 19,576,856 acres as "land in farms" and estimates the value of these farm lands, with improvements thereon, at \$543,657,755.00. Assessments in this State on the same class of property, as nearly as comparison can be made, total approxi-

mately \$230,000,000.00, or about forty-two per cent of the Census estimate.

We believe that the percentage of actual value at which assessments have been made, as shown by the record of deeds and by the United States Census, represents fairly the general level of all assessments in the State and that there never has been, except in a few cases where errors were made, any over-valuation of property by tax officials.

A further evidence that there has been no over-valuation of property is the small number of appeals by taxpayers from the decision of tax adjusters. There are in round numbers some 300,000 tax assessments made in this State each year. Of the total number of assessments made in the entire State the appeals from the decision of the Tax Adjusters to Court of County Commissioners or Boards of Revenue were 460 in the year 1920, 85 in the year 1921, and 148 in the year 1922. These appeals could have been made by taxpayers dissatisfied with valuations fixed by the tax adjusters without expense and without even the necessity of the employment of an attorney. The fact that so few appeals were made indicates that taxpayers were not dissatisfied, but believed that all assessments were being made on a basis of equality and as provided by law.

4th. It can hardly be said that excessive taxation exists when expenditures by the State for the direct and immediate benefit of the people exceed the total amount of taxes paid. In Alabama the entire cost of government and many other State expenses of indirect but material benefit to citizens of the State are more than met by income derived from sources other than taxation of the property or people of the State. In other words, the total amount of taxes paid by the people and on the property of the State is not sufficient to meet State expenditures for schools, public health and Confederate pensions. In substantiation of this statement we invite attention to the following:

1919

Property tax	\$ 4,388,299.00
License tax	451,347.00
Total tax collected.....	\$ 4,839,646.00

Expenditures:

School and other educational institutions.....	\$ 3,750,822.00
Pensions	960,836.00
Insane Hospital	462,819.00
Public Health	34,200.00
Total.....	\$ 5,208,776.00

1922

Property tax	\$ 6,184,045.00
License tax	568,273.00
Total tax collected.....	\$ 6,752,318.00

Expenditures:

Schools and other educational institutions.....	\$ 6,269,596.00
Pensions	1,269,363.00
Insane Hospital	708,752.00
Public Health	173,056.00
Child Welfare	30,746.00
Total.....	\$ 8,451,513.00

Four-Year Period, 1915 to 1918, Inclusive

Property tax	\$16,114,768.00
License tax	1,403,237.00
Total tax collected.....	\$17,518,001.00

Expenditures:

Schools and other educational institutions.....	\$13,281,758.00
Pensions	3,986,832.00
Insane Hospital	1,389,551.00
Public Health	101,720.00
Total.....	\$18,759,861.00

Four-Year Period, 1919 to 1922, Inclusive

Property tax	\$21,032,549.00
License tax	2,240,601.00
Total tax collected.....	\$23,373,150.00

Expenditures:

Schools and other educational institutions.....	\$19,935,321.00
Pensions	4,783,672.00
Insane Hospital	2,446,804.00
Public Health	518,254.00
Total.....	\$27,684,051.00

The several statements above cover a period of eight years, though any one year would have served as an illustration. We thought it best, however, to cover the last eight years lest it might be thought that we selected some one year in which the facts supported our statement when the facts were not the same for other years.

RECAPITULATION OF PUBLIC UTILITY ASSESSMENTS

		1919	1920	1921	1922
Steam Railroads:					
Tangible	\$	92,276,929	\$101,702,490	\$103,983,077	\$106,648,771
Intangible		12,990,926	12,314,605	10,477,657	5,745,404
Total.....		\$110,267,855	\$114,017,095	\$114,460,734	\$112,394,175
Docks and Terminals:					
Tangible	\$	1,013,000	\$ 1,222,313	\$ 1,222,913	\$ 1,222,913
Intangible		None	2,000	2,000	1,000
Total.....	\$	1,013,000	\$ 1,224,313	\$ 1,224,913	\$ 1,223,913
Express Companies:					
Tangible	\$	103,666	\$ 101,672	\$ 114,155	\$ 154,196
Intangible		None	None	None	None
Total.....	\$	103,666	\$ 101,672	\$ 114,155	\$ 154,196
Sewer Companies:					
Tangible	\$	39,600	\$ 36,000	\$ 36,000	\$ 36,000
Intangible		None	None	None	None
Total.....	\$	39,600	\$ 36,000	\$ 36,000	\$ 36,000

Electric Light and Power Companies:

Tangible	\$ 2,859,934	\$ 3,732,343	\$ 4,238,459	\$ 4,858,248
Intangible	341,449	454,513	527,616	686,854
Total	\$ 3,201,383	\$ 4,186,856	\$ 4,766,075	\$ 5,545,102

Gas Companies:

Tangible	\$ 654,180	\$ 708,337	\$ 838,617	\$ 1,194,397
Intangible	50,000	112,670	5,000	5,000
Total	\$ 704,180	\$ 821,007	\$ 843,617	\$ 1,199,397

Street and Suburban Ry. Companies:

Tangible	\$ 8,127,976	\$ 7,926,383	\$ 11,803,249	\$ 12,355,778
Intangible	3,826,699	3,883,482	192,297	287,072
Total	\$ 11,954,675	\$ 11,809,865	\$ 11,995,546	\$ 12,642,850

Water Works Companies:

Tangible	\$ 3,230,731	\$ 3,313,590	\$ 3,780,894	\$ 4,088,109
Intangible	150,000	80,000	50,000	340,000
Total	\$ 3,380,731	\$ 3,393,590	\$ 3,830,894	\$ 4,428,109

Class "A" Telephone Companies:

Tangible	\$ 4,697,882	\$ 5,325,799	\$ 6,231,705	\$ 7,135,232
Intangible	779,250	969,757	443,465	602,650
Total	\$ 5,477,132	\$ 6,295,556	\$ 6,675,170	\$ 7,737,882

Class "B" Telephone Companies:

Tangible	\$ 224,629	\$ 321,264	\$ 365,417	\$ 377,510
Intangible	5,000	41,913	45,176	89,279
Total	\$ 229,629	\$ 363,177	\$ 410,593	\$ 466,789

Total Public Utility Assessments:

Tangible	\$118,228,527	\$124,390,191	\$132,614,486	\$138,071,154
Intangible	18,143,324	17,858,940	11,743,211	3,757,259
Total	\$136,371,851	\$142,249,131	\$144,357,697	\$145,828,413

The foregoing "Recapitulation of Public Utility Assessments" shows the aggregate of the assessments of the public utilities of the State, both as to tangible and intangible assessments for each year of the present administration. The tangible assessment is based as nearly as possible at 60% of the reproduction cost of that part of the property which is fixed and cannot be sold, except as junk, in any other way than in its fixed condition for the purpose for which it is being used. This is always done where the usual net profits are sufficient to pay a reasonable return on such valuation. As to property which is movable, such for instance, as rolling stock upon steam railroads or street railroads, this is valued, as to tangible value, at 60% of new stuff of the same kind, less depreciation. Where a public utility is usually making a net profit of more than enough to pay a reasonable return upon the 100% value ascertained as before said, an intangible assessment is made by capitalizing the whole usual net profits at the then prevailing rate for money borrowed for use in such an enterprise, then taking 60% thereof and deducting therefrom the tangible assessment. The residue thus obtained is the intangible assessment, where the enterprise is of a permanent nature with a probable future at least equal to its past. Examples of such property are the L. & N. Railroad, Central of Georgia Railway, and many other pub-

lic utilities. But where the enterprise is small, without any special future, and the amount of net profits during any year depend almost entirely upon the ownership and management during such year, a larger per cent of net return is allowed. It is, therefore, clear that the intangible assessments will vary not only with the actual amount of usual net profits, but also with the condition of the money market during such period. For instance, prior to the world war, money could be borrowed by well established railroads and some other public utilities for an interest rate of five or six per cent, while since the world war the rate has usually been as much as eight per cent per annum. It, therefore, follows that a public utility before the world war was worth an amount which its usual annual net profits would capitalize at six per cent, while since the world war it would be worth an amount which the usual net profits would capitalize at eight per cent. In other words, the fair market value of the property, which is, of course, what we are trying to ascertain, would be ascertained substantially along those lines.

It will thus be seen that usual net income is largely the determining factor in ascertaining the full assessable value of a public utility. The law provides that the intangible assessment may be arrived at by adding together the value of the bonds and other indebtedness carried by a public utility to the value of the capital stock, taking 60% thereof, and subtracting therefrom the amount of the tangible assessment; but this method is impractical and fails in practically every instance to get the full benefit of the intangible value. This is for a very palpable reason which is that, as a rule, it is impossible to find the market value of the majority stock, which controls the enterprise. This is seldom put upon the market and is greater always than the value of minority stock which is put upon the market. As has been said before, 60% of the real fair market value of the property of public utilities is what is being sought, and since most public utilities are monopolies to a large extent and their earnings are governed largely by the rates of charge for services allowed, the value of their property stands upon a different basis from that of ordinary private property and should not vary as does private property. According to the general understanding, they are entitled to a reasonable return upon actual investment and no more. In times of stress, the rate making power should and does increase the rate so that such return may be made, and in prosperous times the rate making power should, and sometimes does, decrease the rate so that they may make only a reasonable return. If this rule is strictly followed by the rate making power, then there cannot be very great changes in tax assessments of the property of public utilities except as they are improved and extended, or as they are depreciated or dismantled in part or in whole.

We wish to say also that the properties of public utilities have been assessed for the past ten or eleven years at substantially 60% of their fair market value while other property has not on the average been anywhere near it until within the last three years. A great deal of it is still below that mark though the State Tax Commission has used its best efforts to equalize all assessments on a 60% valuation.

We have made the foregoing observation for the reason that there has been some criticism in letters from private persons published in some of the newspapers of the State upon the fact that the assessments of the property of public utilities has not been increased to the extent that the property of private persons and corporations had been increased. In each letter of this kind that has come under our observation, the facts and figures were cited which apply to the express companies only, where the intangible value, which at one time was the largest in proportion to the tangible value of any public utility in the State, has entirely vanished. For instance, take the assessments for the years 1916, 1917, and 1918, against the Southern Express Company. For the year 1916 the assessment was, tangible \$56,103.00, while the intangible based upon excess income was \$600,000.00. In 1917 the

tangible assessment was \$57,139.00, and the intangible \$600,000.00. In 1918 the tangible assessment was \$63,186.00, and the intangible was \$400,000.00. There was during that period only one other express company doing business in the State; this was the American Express Company. It did a very small business and owned very little property. Its assessment was for 1916, tangible \$2,095.00, intangible, none; for 1917, \$2,509, intangible, none.

During the years 1916 and 1917 the Southern Express Company made a net profit of about \$65,000.00 on about a \$100,000.00 investment, hence the large intangible assessments.

On July 1st, 1918, the railroads then being under Federal control, a new corporation was then formed, viz.: The American Railway Express Company, and the properties of the American Express Company and the Southern Express Company were transferred to the American Railway Express Company. The two former went out of business and have been out of business ever since. No assessment has been made or could have been made against either the Southern Express Company or the American Express Company since 1918, the year before the present administration began. For the year 1919 the American Railway Express Company made no report to the State Tax Commission and the State Tax Commission made a tentative assessment against it, tangible \$60,677.00, intangible \$400,000.00, the same being substantially the same as the combined assessments of the Southern and American of the year before. From this assessment the American Railway Express Company appealed to a Board of Arbitration and there showed by competent witnesses, who were acquainted with the facts, that the company had made no profits anywhere since it began business July 1st, 1918, but had suffered loss. There could not be any intangible assessment, but by agreement the tangible assessment, together with penalty for failure to report to the State Tax Commission, was placed at \$103,666.00. For the years 1920 and 1921, the reports of the American Railway Express Company have shown deficits as follows: for the year 1920, \$173,536.39; for the year 1921, \$284,452.28. For the year 1922 the report shows a net income after paying taxes of \$2,628.78. From the foregoing it is clear that there was no ground upon which an intangible tax could at any time be levied against the American Railway Express Company. The tangible property of said express company is now assessed at \$112,696.00 as against \$63,186.00 for the Southern Express Company in 1918, the last year it was assessed. Besides, since the railroads were returned to private control, the Southeastern Express Company has been formed and has operated in the State. Its assessment for the present year is, tangible \$42,444.00. So we see that the tangible assessment of the property of all express companies in the State in 1918 amounted to

Southern Express Company.....	\$ 63,186.00
American Express Company.....	2,509.00
Total.....	\$ 65,695.00

while the tangible assessment of all express companies in the State for the year 1922 amounted to

American Railway Express.....	\$112,696.00
Southeastern Express Company.....	42,444.00
Total.....	\$155,140.00

It will be seen from the foregoing that while all intangible values have been lost, due to the fact of the great reduction or total loss of net profits by the inroads of the parcel post, rate reductions and the effects of the

world war, still the assessment of the actual tangible property owned by express companies has been increased 136% during the present administration.

Again, the railroad mileage within the State subject to assessment by the State Tax Commission, has been on the whole, decreased. While the Alabama Great Southern Railroad has increased its second track mileage 30.46 miles, the Birmingham & Atlantic Railroad has discontinued and dismantled 22.90 miles of its main line, the Washington & Choctaw Railroad has discontinued and dismantled twenty miles of its main line, the Andalusia & Florida Railroad has discontinued and dismantled six miles of its main line, the 31.28 miles of main line formerly assessed to the Birmingham Southern Railroad by the State Tax Commission as a public utility, has been taken out of the class as a public utility, as it no longer operates for the public, and is now assessable by the tax assessor of the county where located.

FRANCHISE TAX

The Legislature of 1919 transferred the machinery for assessment and collection of franchise taxes from the probate judges to the State Tax Commission, the Attorney General and the State Treasurer.

The following tabulations showing the amounts collected under the old and current laws set forth the results obtained:

Three-Year Period, 1917, 1918 and 1919

1917 State tax only.....	\$116,334.92	
1918 State tax only.....		128,168.92
1919 State tax only.....	\$128,043.13	
Collections by Attorney General.....	73,101.72	201,144.85
Total.....		\$445,638.69

Three-Year Period, 1920, 1921 and 1922

1920 State tax only.....	\$223,008.14	
Collections by Attorney General.....	143,086.84	\$366,094.94
1921.....		232,075.71
1922 State tax only.....		534,931.21
Total.....		\$1,133,101.86

The machinery provided under acts prior to the 1919 Act was never adequate and the result was that many corporations entirely ignored their duty to the State in respect of this tax. However, under recent decisions of the Supreme Court the right of the State to collect past due franchise taxes is clearly determined, the statute of limitations not operating against the State. Further, according to these decisions, no judicial determination is required to fix the amount due by a domestic corporation as annual franchise taxes. The corporation must pay an amount based on its paid-up capital stock. In the case of a foreign corporation payment measured by "capital employed" is required. From 1916 judicial determination of capital employed was provided for. Prior to that year, even though the Constitution of the State required payment on "capital employed," no means of judicially determining the amount was ever provided by the Legislature and foreign corporations paid to the probate judges the amounts they considered due and there existed no power of review by any State authority.

The result is that four classes of delinquent corporations exist:

First. Domestic corporations that have failed altogether to pay franchise taxes, that is to say, for any year of their existence.

Second. Domestic corporations that have failed to pay franchise taxes for a portion of the years of their existence.

Third. Domestic corporations that have paid franchise taxes, but have paid an inadequate amount.

Fourth. Foreign corporations that between the years 1911 and 1915 inclusive, have paid an adequate amount, and foreign corporations which have failed to pay any tax at all.

The 1919 Revenue Act went far toward improving the machinery of assessment and collection of the tax. But this machinery is still inadequate with the result that enforcement of the law has not been and cannot be uniform until better machinery is provided. Those who have obeyed the law voluntarily, together with those whom the Commission has been able to reach through correspondence and through the personal calls of its field agents, bear the burden of this tax. The others proceed, or have in a great number of cases proceeded, in business in the possession of valuable corporate rights without bearing their required share of the burden of the tax. Manifestly the State suffers injustice and the law-abiding taxpayer is unfairly treated.

It is conceivable that in time the field agents of the Commission could round up all delinquent corporations, but the process would be expensive and in the case of many corporations the outlay would not be justified by the return, and during the rounding up period many would escape payment through dissipation of assets before these field agents could reach them. This latter, in itself, makes the collection of the tax lack uniformity, but the expense to the State of personal visits of field agents each year to hundreds of small delinquent corporations is apparent and this method should not be employed, provided cheaper and more uniform methods can be found.

The franchise tax is not a license or privilege tax for doing business. It is a tax on corporations for the right to exist as corporations in Alabama. We can see no reason why any part of the tax should be distributed to the counties of the State. Such a distribution does not seem to have been contemplated by the framers of the State Constitution and it is a gift to the various counties from the general fund of the State which the principle of a fair distribution of State collections does not seem to require.

The rate for the franchise tax in Alabama is less than in any other state of which we have knowledge, and, in our opinion, it should be increased to not less than one dollar on each thousand dollars of capital.

While the present franchise tax law is much better than the one it replaced, it needs strengthening in many particulars.

The present law does not provide any penalty for failure to make returns on which this tax is determined and this omission has made the collection of this tax in many instances more difficult than it would otherwise have been. In other states, where there is a law levying franchise tax, there is generally a provision for a drastic penalty for failure to make the proper returns. The State of Delaware probably has had more experience in the levy and collecting of a franchise tax than any other state. In that state for failure to make a return there is a specific penalty of \$200.00 to be collected from each taxpayer in an action of debt. In addition the law of that state provides that the officers and directors of corporations which fail to make the returns required by law shall be ineligible for re-election to their respective positions for a period of one year. We recommend that the omission of a penalty in our law be corrected.

It is sometimes difficult to get legal service on domestic corporations in this State. There are many corporations chartered under the laws of Alabama which do not maintain an office in the State. We suggest that

there should be added to our law a provision that service can be made upon the Secretary of State and that such service should be as effectual as if made upon the president or other officer of a corporation.

For the non-payment of the franchise tax within the time required by law our present law provides a penalty of five per cent per month. This penalty does not seem to be sufficient to insure the collection of the franchise tax in many cases, particularly where the tax is small. In other states where there is a franchise tax law, failure to pay the tax within the time required by law, after notice has been properly given, involves a possible forfeiture of charter and, in addition, in most of the states, there is a provision by which corporations can be enjoined from exercising all corporate rights until the franchise tax is paid. We think it would be well to embody both of these provisions in the law of this State in addition to the specific penalty now provided.

There is no provision in our law for assessments to be made upon information. There should be provisions for such assessments.

While section 21 of the present law confers upon the State Tax Commission authority for demanding information from corporations needed in the determination of the amount of the franchise tax, we think an amendment to this section should remove some doubts which at present appear to exist and should give to the State Tax Commission in explicit terms the right to require from corporations any information which may be disclosed by the books, including the right to demand balance sheets and lists of stockholders and to make an examination of the books of a corporation, whenever, in the judgment of this Board such examinations may be necessary.

The present law provides that returns for franchise tax shall be filed between November 1st and December 15th of the year preceding the year for which the tax is levied and collected. Our experience has shown that the period from January 1st to March 15th of the year of levy and collection is more practicable from every standpoint. This latter period follows the practice of the Federal government relating to income tax returns and its adoption would prevent the necessity of placing an additional burden on corporations in the matter of closing books and assembling date, since nearly all corporations close their books on December 31st of each year.

Many details involving changes in the present law suggest themselves from the experience of the Commission, but we recommend that these be handled by giving the Commission discretionary authority rather than that they be incorporated into the law itself. The reason for this suggestion lies in the fact that the levy of a franchise tax is a constitutional mandate to the Legislature and, since only the Legislature can provide machinery, it would seem wise to give the Commission all discretionary powers consonant with legality and the authority of the Legislature, rather than that rigid and binding machinery be provided. It is only necessary to call to mind the extensive litigation in the past over the franchise tax, due to the irreconcilability of legislative acts with the Constitution, in order to show the wisdom of proceeding where possible under rules of the Commission, which are less formal and more readily adaptable to conditions than are rigid legislative acts, which, if declared inconsistent with the Constitution, might endanger collection of the tax or, at least, delay it.

LICENSE TAXES

For the purposes of comparison and comment we submit below a statement showing the total collection of licenses for the last three years under the Revenue Act of 1915 and for the three years since the Revenue Act of 1919 has been in force.

Three-Year Period, 1917, 1918 and 1919

	1917	1918	1919
Paid directly into the State Treasury—oil dealers, carbonic acid gas, news companies, telegraph, express, sleeping car companies, etc.	550,834.56	\$52,167.19	\$65,041.04
General business	260,178.37	260,178.37	364,316.43
Dog registration		35,301.46	25,307.07
Total	\$311,012.93	\$347,647.02	\$454,664.54

Three-Year Period, 1920, 1921 and 1922

	1920	1921	1922
Coal tonnage	\$312,599.43	\$255,328.21	\$366,694.88
Iron ore tonnage	156,979.07	110,748.88	132,885.05
Paid directly into the State Treasury—oil dealers, carbonic acid gas, news companies, telegraph, express, sleeping car companies, etc.	102,004.96	119,005.19	116,416.32
General business	604,717.83	646,069.35	579,562.32
Dog registration	235,985.48	111,852.24	Repealed
Total	\$1,412,286.77	\$1,243,003.87	\$1,195,558.57

It will be noticed that a large part of the collections for the second period of three years was on account of licenses levied on coal and ore mining and for the registration of dogs. In addition to these two new licenses there was also levied licenses for the use of carbonic gas, turpentine stilleries, dog registration, and on many other lines of business which were not levied under the Act of 1915, and some schedules in the Act of 1915 were increased. If these new licenses are taken out of the above statement the totals of collections would be as follows:

1917	\$ 311,012.93
1918	312,345.56
1919	429,357.47
Total	\$ 1,052,715.96
1920	\$ 691,165.04
1921	748,458.67
1922	683,019.48
Total	\$ 2,122,643.19

The large increase of collections for the last three years, as compared with the three years next preceding on substantially similar statutory provisions, was due partly to the close supervision of the work of license inspectors by this Board and partly to the work of the agents of this Commission.

From a careful examination of the reports made to this office by the probate judges of this State, within a few months after the organization of this Board, we came to the conclusion that there was not as close a collection of licenses required by law as there should be. We, therefore, organized and trained a force for license work. This force, varying in number,

began work in June, 1920, and were continued in service until the close of 1921. The men constituting this force were sent into all the counties of the State, except Jefferson, for the purpose of collecting delinquent licenses which had escaped the notice of local inspectors, and in order that they might train local inspectors in the proper construction of the license laws and in the best method of discovering delinquencies. During the time of their employment State License Inspectors reported twelve thousand eight hundred and fifteen delinquencies. Collections were made in nine thousand six hundred and eighty-six cases reported, amounting to a total of \$102,279.17. In addition to the licenses thus collected this same force collected in delinquent franchise taxes an amount of \$37,574.00, or a total of \$139,853.17. The cost of this work, paid from the appropriation of this Commission, was \$19,794.88.

These agents of the Commission remained in each county only a short time. Within this time they collected all delinquent licenses which could be collected from citations issued to the persons delinquent. They could not remain in a county long enough to swear out warrants and try cases thus begun and, therefore, all licenses which could not be collected by citation which they had discovered to be delinquent were reported to the local inspectors and these local inspectors were instructed to swear out warrants and institute civil proceedings in all such cases. A large number of these licenses so reported to local inspectors were afterwards collected. In some cases it is found that the licenses so reported were not due or there was a lack of evidence to sustain the claim of the State and in a few cases proceedings are still pending for the collection of the amounts due.

The value of the work of the agents of the Commission is not fully shown by the amount actually collected, \$139,853.17, and the additional amount reported to local license inspectors for subsequent collection, as a total cost of \$19,794.88. We think one of the principal benefits of this work was in impressing the public that the State Tax Commission would use its utmost efforts to see that all delinquent licenses would be collected and that an attempt to evade payment would entail the payment of additional amounts as penalties and court costs, thus insuring a better voluntary payment in the future.

The present license law seems to be working fairly well, but we think probably equally as large collections could be made if local license inspectors were abolished and the collection of licenses placed in the hands of tax adjusters, except in a few counties.

We think the adjusters in nearly all counties have enough time to give attention to the collection of delinquent licenses in addition to their present work and the penalties for delinquencies could, if the change suggested were made, be paid into the State treasury, reducing the cost to the State on account of salaries paid to tax adjusters.

In the above statements amounts received from the sale of automobile tags are not included. We do not include these amounts with licenses because they do not constitute revenue available for governmental purposes, the whole amount collected being a fund for use in connection with the work of the State Highway Department.

The amounts received from the sale of automobile tags were as shown in the following statement:

1917		\$180,851.05
1918		259,428.90
1919		321,840.08
1920		832,979.99
1921		917,811.50
1922		962,619.87

The large increase received from this source we believe is in part due to the efforts of this Commission, but undoubtedly the principal reason for the increase is the result of the higher rates in the present law and of the larger number of automobiles owned.

The present law could probably be amended in some particulars to advantage. We do not, however, suggest any changes in the law at this time because we are of the opinion that the Highway Commission is more familiar with this subject than we are and we recommend that in the consideration of any new revenue measure the schedule of automobile licenses be submitted to the State Highway Commission.

INCOME TAX

The Revenue Act of 1919 contained for the first time in the history of the State an income tax law, with graduated rates of taxation. It became necessary immediately after its organization for this Commission to begin preparations for putting this law into effect. This work of preparation began with a careful study of the law and the adoption of regulations covering all doubtful points of construction, to the end that enforcement should be uniform. Numerous blank forms,—some involved and difficult,—required by the law were prepared and a force of men for field work were employed and carefully trained.

The enforcement of the law began on January 1st, as provided by the statute, and shortly after that date a force of field agents were sent to the different sections of the State to instruct and assist taxpayers in making proper and legal returns for the assessment of the tax. More than twenty thousand returns had been received, audited and properly filed and indexed when the law was declared unconstitutional by the Supreme Court.

While this tax under the law did not become due until October, 1920, a number of taxpayers with small incomes remitted the amount of the tax with returns and approximately \$19,000.00 was collected in this way. All payments have been refunded in cases where taxpayers have made application as required by law. There still remains in the State treasury several thousand dollars to the credit of this fund which has not been refunded, the present address of the taxpayers being unknown and it being impossible to get them to make proper applications, though attention has been called to the matter several times by publication in the newspapers of the State. We recommend that this balance be closed into the general fund of the State.

In the opinion of this Commission, it is unfortunate that an income tax with graduated rates of taxation has been decided unconstitutional in Alabama. In the early history of a government such as that in this State, when population is small and scattered, the principal function of government is the protection of its people in the peaceable enjoyment of their liberties and in safeguarding their rights of property. Government is simple and those enjoying the larger part of its benefits are the owners of property and those who derive a support from some business the conduct of which requires the ownership of a relatively small amount of property. The revenue required is small and the necessary amount can easily be raised by the two kinds of taxes which suggest themselves as fairest,—the property and privilege taxes. Later on, as population thickens, as business becomes more complex, and government activities are extended in more and more directions, there is an ever increasing demand for a greater revenue. Either this additional revenue must be raised or the government must become inefficient and fail to provide for the people the things they demand and to which they are entitled. The needed revenue can be raised from property and privilege taxes only by such rates of taxation on property as would be practically

confiscatory and by such privilege rates as would tend to prohibit many kinds of business, unless conducted by monopolies or through combinations with an assured profit through the medium of high prices to consumers. Property taxes in Alabama while less than in almost any other state, are relatively as high as they should be at present, and, in our opinion, some new sources of revenue should be sought.

It seems to be the almost unanimous opinion of tax students that an income tax with graduated rates best meets at this time the growing needs of government. Such a tax is now being collected in more than half of the states in the Union and the number of such states increases each year. We, therefore, recommend the submission of a constitutional amendment permitting the levy of an income tax with graduated rates. Such a tax would be paid principally,—not by owners of tangible property, but by business concerns whose profits exceed a reasonable return on property investment, by owners of investment securities not now reached by our tax laws, and by salaried and professional men who do not now contribute a fair proportion to the expense of the government.

Pending the adoption of a constitutional amendment as above recommended, we suggest for your consideration the wisdom of an income tax law conforming to the decision of our Supreme Court. Such a law could be enacted with a total uniform rate on all incomes of one dollar and seventy cents on each one hundred dollars of income. Of this rate one dollar and five cents would be apportioned to the counties of the State and sixty-five cents to the State.

If all incomes in excess of five hundred dollars received by single men and one thousand dollars received by married men were subject to tax, we estimate that a law such as is here suggested for your consideration would yield a net revenue of not less than six hundred thousand dollars annually, of which the State would receive approximately two hundred and twenty-five thousand dollars and the counties approximately three hundred and seventy-five thousand dollars.

The objection that the counties would receive too large a share of the total collected could be met by an amendment to the franchise tax law making the entire amount of tax collected from that tax available for State purposes instead of distributing one-third of the amount to the counties as at present.

In the rate of \$1.70 on each \$1,000.00 of income suggested above, no consideration has been given to the right of the counties of the State to levy special school district taxes. It is possible that under the authority of counties to levy these special school district taxes, the rate could be increased by thirty cents on each \$100.00 in those counties which had adopted a special tax for the county, and by still another thirty cents on the incomes of residents of special districts established as provided by law. We doubt, however, if any attempt should be made to increase the rate by reason of special school district taxes, because the entire additional tax received would belong to the county, could not be fairly equalized by the change in the franchise law suggested, and would add materially to the cost and difficulty of administering the law.

Statement showing receipts from the several counties of the State and also the amounts returned to the several counties by the State Treasurer.

FOR FISCAL YEAR ENDING SEPTEMBER 30TH, 1922

COUNTIES.		1. Receipts from Counties. General Property Tax, (.65) Business Licenses, Hunter Licenses, Mortgage Taxes, Solicitors' & Trial Fees and Poll Tax.	2. Paid Out to Counties. For Public Schools, Court Costs, Adjuster, Confeder- ate Soldiers, Feeding of Prisoners.	Paid out to Counties in Excess of Receipts as shown in column 1.	Received from Counties in Excess of Disbursements as shown in column 2.
1	Autauga	\$ 44,186.29	\$ 57,719.70	\$ 13,533.41	\$
2	Baldwin	80,460.35	70,068.40		10,391.95
3	Barbour	62,983.88	98,614.22	35,603.34	
4	Bibb	43,671.30	69,108.29	25,436.99	
5	Blount	51,255.23	87,426.29	36,171.06	
6	Bullock	44,685.22	66,040.08	21,354.86	
7	Butler	61,641.03	87,425.65	25,784.62	
8	Calhoun	183,783.03	147,297.56		36,485.47
9	Chambers	95,469.95	113,965.60	18,495.65	
10	Cherokee	39,374.66	62,625.66	23,251.00	
11	Chilton	54,690.62	83,591.48	28,900.86	
12	Choctaw	47,827.31	62,265.26	14,437.95	
13	Clarke	58,840.90	87,533.58	28,692.68	
14	Clay	37,522.57	82,922.16	45,399.59	
15	Cleburne	25,450.17	51,262.88	25,812.71	
16	Coffee	69,062.69	93,727.78	24,665.09	
17	Colbert	106,692.02	80,038.14		26,653.88
18	Conecuh	45,533.59	86,686.18	41,152.59	
19	Coosa	27,040.09	51,178.75	24,138.66	
20	Covington	103,989.02	112,727.72	8,738.70	
21	Crenshaw	40,879.02	77,710.12	36,831.10	
22	Cullman	85,665.79	103,626.76	17,960.97	
23	Dale	60,672.81	78,363.90	17,694.09	
24	Dallas	165,706.93	129,822.14		35,884.79
25	DeKalb	83,959.63	113,571.64	29,612.01	
26	Elmore	55,155.72	95,769.02	40,613.30	
27	Escambia	65,340.59	72,103.85	6,763.26	
28	Etowah	180,733.15	138,510.17		42,222.98
29	Fayette	40,015.43	67,275.57	27,260.14	
30	Franklin	58,194.71	70,331.10	12,136.39	
31	Geneva	66,570.43	69,329.66	2,759.23	
32	Greene	40,822.76	38,189.62		2,633.14
33	Hale	49,718.52	67,352.07	17,633.55	
34	Henry	37,511.46	68,828.47	31,317.01	
35	Houston	95,191.57	110,494.41	15,302.84	
36	Jackson	85,408.66	97,420.81	12,012.15	
37	Jefferson	1,692,468.22	846,779.75		845,688.47
38	Lamar	37,628.49	69,562.58	31,934.09	
39	Lauderdale	112,470.20	121,068.15	8,597.95	
40	Lawrence	43,440.20	68,656.85	25,516.65	
41	Lee	86,200.09	100,080.64	13,880.37	

COUNTIES.	1. Receipts from Counties. General Property Tax, (.65) Business Licenses, Hunter Licenses, Mortgage Taxes, Solicitors' & Trial Fees and Poll Tax.	2. Paid Out to Counties. For Public Schools, Court Costs, Adjuter, Confeder- ate Soldiers, Feeding of Prisoners.	Paid out to Counties in Excess of Receipts as shown in column 1.	Received from Counties in Excess of Disbursements as shown in column 2.
42 Limestone	98,042.06	81,797.07		16,244.99
43 Lowndes	43,997.76	60,462.91	16,465.15	
44 Macon	47,802.78	60,170.20	12,367.42	
45 Madison	189,313.31	131,728.39		57,584.92
46 Marengo	92,160.98	83,303.56		8,857.42
47 Marion	48,064.25	84,524.27	36,457.20	
48 Marshall	70,600.89	105,522.23	34,921.34	
49 Mobile	504,697.01	265,492.67		239,204.34
50 Monroe	55,420.23	80,640.11	25,219.88	
51 Montgomery	363,484.71	227,841.68		135,643.03
52 Morgan	146,233.08	121,700.86		24,532.22
53 Perry	48,972.66	65,446.19	16,473.53	
54 Pickens	54,792.31	78,255.92	23,463.61	
55 Pike	76,361.06	93,405.70	17,044.64	
56 Randolph	49,000.32	88,013.41	39,013.09	
57 Russell	53,270.72	64,240.49	10,969.77	
58 Shelby	78,619.94	89,227.18	10,607.24	
59 St. Clair	61,224.16	85,570.66	24,346.50	
60 Sumter	60,700.92	76,934.16	15,233.24	
61 Talladega	126,809.33	136,665.70	9,856.37	
62 Tallapoosa	63,807.67	94,584.48	30,776.81	
63 Tuscaloosa	190,432.57	143,518.68		46,913.89
64 Walker	164,690.71	135,116.87		29,573.84
65 Washington	38,917.07	45,266.68	6,349.61	
66 Wilcox	50,639.48	73,897.72	23,258.24	
67 Winston	31,093.33	47,698.34	16,605.01	

As will be noted from the above statement FIFTY-TWO counties of the State do not contribute directly to the support of the higher educational institutions of the State, or the insane hospitals; or the executive, judicial or legislative departments.

MODIFICATION—SECTION 214, CONSTITUTION OF ALABAMA

As the State develops there are certain difficulties growing out of the limitation imposed by section 214 of the Constitution of 1901 which become more serious and, in my opinion, the time has come when in the interest of the State generally, and particularly in the interest of the taxpayers, steps should be taken so to modify this section of our Constitution as to exempt from its pro-

visions debts and obligations of the State, evidenced by bonds or other securities, for the payment of which such bonds or other securities pledge the full faith and credit of the State.

Said section 214 is in language as follows:

"The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of one per centum on the value of the taxable property within this State."

I am of the opinion that this section should be modified so as to read as follows:

"Except as to payment of debts or obligations of the State, now outstanding or hereafter created, evidenced by bonds, mortgages, or other securities pledging the full faith and credit of the State to the payment thereof, the Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one hundredths of one per centum on the value of the taxable property within this State."

Such modification would, in my opinion, relieve the difficulties growing out of the provisions of this section as it now stands, and such modification should be made for the following reasons:

First: The original purpose and intention of this provision was alone to prevent extravagance and useless expenditure of public funds by discouraging the contracting of unnecessary debts and obligations, but was never intended to prevent the State from paying its debts, or to make it more difficult for the State to meet promptly its necessary obligations.

Second: This section, not only discourages the contracting of unnecessary debts or obligations, but goes farther and places a limitation upon the right and power of the State to meet its obligations and to pay debts after the same have been contracted in good faith and of necessity.

It is wise and good to limit the power of the State to contract debts, but to limit the power or authority of the State to pay such debts as may have been contracted in good faith is a different matter altogether and cannot be justified on either moral or economic grounds.

Third: The provision of this section impairs the credit of the State and increases the burden of the taxpayer by forcing a higher rate of interest.

When the State offers a bond, or other security, for sale and the prospective purchaser discovers that our Constitution places a limitation upon the power of the State to levy a direct tax sufficient to meet promptly interest payments and to provide for final liquidation or retirement of the security, such prospective purchaser very naturally demands a higher rate of interest, and if the demand is refused he invests in securities of other states, or in another character of securities not subject to such limita-

tion, and the difference in interest payments is, of course, borne by the taxpayer.

Fourth: This limitation places the State in the attitude of impairing its own securities, which impairment, whether in the form of increased interest charge or depressed market price, must in the last analysis be made good by the taxpayers of the State.

It must be borne in mind that the criterion by which State or municipal bonds or securities must be judged is whether everything has been done to pledge the full faith and credit of the State or municipality to the payment of its obligations.

Fifth: This provision, insofar as it affects the obligations of the State evidenced by bonds or other securities which can be offered for sale only after the people by majority vote authorize their issuance, cannot possibly do any good while it impairs the credit of the State, affects adversely the sale price of the State's securities, increases interest rates and forces the State into an attitude of misrepresentation. All of this would, in my opinion, be obviated by modifying section 214 as above indicated.

BANKING DEPARTMENT

It is cause for congratulation that the banks of Alabama have passed through the post-war period of depression with so few failures. The record of the banks during the past four years has been remarkable and reflects credit upon the bankers as well as upon the department under which they have been operating.

During the four-year period there have been only three bank failures with an aggregate deposit liability of \$714,000. Of the three banks which failed two are now in process of liquidation and the depositors of the other one have been paid in full.

On November 4, 1918, the capital of all State banks amounted to \$10,800,000, and on June 30, 1922, to \$11,400,000. During that period there has been an increase in surplus and undivided profits of approximately \$2,500,000 and an increase of approximately \$12,000,000 in savings deposits, the latter fact unmistakably indicating that our people are learning the lesson of thrift.

The record of the banks for the past four-year period is indisputable proof that they are in the hands of capable officers and directors and on a solid basis.

BOARD OF CONTROL AND ECONOMY

The functions of this Board are so broad and comprehensive that I shall not undertake to review its operations in this limited space. I commend to the members of the Legislature, and to all citizens who are interested in the government of the State, the

very able and comprehensive report of the Chairman of the Board, Hon. C. B. Rogers, which has been published.

INSURANCE OF PUBLIC BUILDINGS

The Act approved September 30, 1919, authorized the Board of Control and Economy to carry insurance on property of the State. When an effort was made by the Board to compile a record of the insurance carried by the various departments and institutions of the State it was found that the policies had not been distributed as to expirations in such manner as properly to distribute the expense of insurance over the years. A questionnaire was sent to the heads of all institutions requesting information as to the types of buildings insured, character of roofs, etc., which would determine the rate. From this information it appeared necessary to have a detailed survey made of the buildings at the various institutions, which resulted in the reduction of premiums in several instances, due to the fact that changes had been made in types of roofs, etc., or other buildings had been removed which had been considered originally as a hazard, but the policies had been renewed from time to time on the basis of the original rates. The Board now has and maintains a register of all insurance policies carried on the State's property under the control of the Board. More equitable distribution of the insurance among the agents is made than formerly. It has been the policy heretofore to pay insurance premiums out of maintenance funds. I do not think that policy is wise. My opinion is that an insurance fund should be created by appropriation to be administered by the Board of Control and Economy and that premiums on policies of insurance on all State property should be paid out of that fund, and I so recommend.

Following is a statement of the value of all State property, with the amount of insurance carried:

VALUE OF STATE PROPERTIES AND INSURANCE CARRIED THEREON

Eleemosynary Institutions. (Lands, Buildings and Equipment.)	Value.	Insurance Carried.
Bryce Hospital, lands, buildings and equipment.....	\$ 1,482,569.06	\$ 750,000.00
*Alabama Home for Mental Inferiors, lands, buildings and equipment.....	199,589.52	
Searcy Hospital, lands, buildings and equipment...	246,749.62	87,950.00
Alabama Boys Industrial School, lands, buildings and equipment	315,430.50	142,683.18
State Training School for Girls, lands, buildings and equipment	164,063.18	75,400.00
Alabama Reform School for Negroes, lands, buildings and equipment.....	84,754.02	39,650.00
Alabama School for the Deaf, lands, buildings and equipment	291,732.24	158,750.00

	Value.	Insurance Carried.
Alabama School for the Blind, lands, buildings and equipment	157,200.00	84,900.00
Alabama School for Negro Deaf and Blind, lands, buildings and equipment.....	32,039.00	24,000.00
Confederate Soldiers' Home, lands, buildings and equipment	49,574.25	17,900.00
	\$ 3,023,701.39	\$ 1,381,233.18

Convict Department.

(Lands, Buildings and Equipment.)

Kilby Prison, lands, buildings and equipment.....	\$ 1,215,354.34	\$ 66,701.00
Number Four Prison, lands, buildings and equip- ment	131,425.63	41,350.00
Speigner Prison, lands, buildings and equipment...	763,765.98	322,600.00
Wetumpka Prison, lands, buildings and equip- ment	94,800.45	49,310.00
Number Five Prison, lands, buildings and equip- ment	75,000.00	
Head Place, lands, buildings and equipment.....	12,500.00	
Aldrich Prison, lands, buildings and equipment.....	7,115.47	11,000.00
Banner Prison, lands, buildings and equipment.....	11,777.90	14,000.00
Belle Ellen Prison, lands, buildings and equip- ment	7,799.71	10,000.00
Flat Top Prison, lands, buildings and equipment...	12,290.29	14,000.00
River Falls Prison, lands, buildings and equip- ment	4,182.20	5,000.00
Blanket policy carried on feedstuff at Prison No. 4, Speigner, Wetumpka and No. 5.....		35,000.00
	\$ 2,336,011.97	\$ 568,961.00

Note: Apparent excessive insurance on Aldrich, Banner, Belle Ellen, Flat Top and River Falls is due to the fact that inventory of supplies and equipment for these prisons was taken on the last day of the month, when their supplies are at the lowest, and the average value of supplies at these prisons is more than the amount of insurance carried.

*Alabama Home for Mental Inferiors—Fireproof, no insurance carried.

Administrative Property.

(Lands, Buildings and Equipment.)

Capitol building and grounds.....	\$ 1,125,000.00	\$ 527,500.00
Furniture and fixtures of Capitol building.....	170,000.00	57,500.00
Governor's mansion	55,000.00	25,000.00
Board of Health.....	30,000.00	23,000.00
Board of Health furniture and fixtures.....	7,540.00	7,000.00
Highway Department	24,000.00	
Highway Department (office equipment).....	20,847.40	
Highway Department (plans and specifications).....	30,000.00	46,500.00
Highway Department (auto trucks).....	400,000.00	200,000.00
Highway Department (auto parts).....	500,000.00	25,000.00
Highway Department (roadway equipment).....	250,000.00	25,000.00
White House	27,500.00	18,000.00
White House furniture and fixtures.....	3,055.60	2,000.00
Supreme Court Library.....	70,000.00	70,000.00
Total.....	\$ 2,712,943.00	\$ 1,026,500.00

Educational Institutions.		Value.
University of Alabama.....		\$ 1,429,947.83
Alabama Polytechnic Institute.....		789,375.00
Alabama Girls Technical Institute.....		760,360.00
Alabama Agricultural Schools.....		412,350.00
Alabama County High Schools.....		1,515,225.00
Alabama Normal Schools.....		1,680,730.00
Alabama Public Schools.....		19,822,929.00
16th Sectional School Lands.....		1,111,680.00
Total.....		\$27,522,596.83

NOTE: Insurance on above property is placed by the Trustees of the various schools, and this Board has no record of the amount of insurance carried.

ASSETS ADDED

Expenditures for permanent improvements, and new construction for 1919-1922 inclusive:

Teachers Training Buildings at Normal Schools:		
Jacksonville Normal School.....	\$ 30,000.00	
Florence Normal School.....	30,000.00	
Livingston Normal School.....	30,000.00	90,000.00

Girls Training School, Birmingham:		
Cost of lands, including clearing and grubbing.....	10,471.63	
Four dormitories.....	78,866.89	
Hospital building and school house.....	35,051.30	
Dairy barn.....	1,748.25	
Laundry building.....	1,500.00	
Equipment and materials.....	10,501.13	
Outside electrical work.....	393.75	
Engineering, labor and other expense.....	2,380.23	140,913.18

Boys' Industrial School, East Lake:		
Dormitory, construction cost.....	42,545.03	
Gymnasium.....	19,539.37	
Heating system.....	5,214.58	
Swimming pool.....	3,647.67	
Equipment for woodworking shop, machine shop, laundry, shoe shop printing shop, tailor shop, farm and dormitories.....	24,790.08	
Dairy barn.....	6,500.00	102,236.73

Alabama Home for Feeble Minded, Tuscaloosa:		
New construction, dormitory, kitchen and dining hall, power house, ect.....		199,589.52

Bryce Hospital, Tuscaloosa:		
New power house.....	50,905.24	
Female tubercular ward (capacity 50 beds).....	12,500.00	
Dairy cottage.....	2,000.00	
Garage and filling station (6 cars).....	2,500.00	
Corn cribs (five).....	1,000.00	
Cow barn.....	3,000.00	

Expenditures on new kitchen.....	1,148.04	
Foundation for 36-room building.....	2,500.00	
Cost of repairs to 25 wards and 3 dining halls, ceiling, plumbing, etc.....	55,670.80	
Repair work on other buildings.....	3,350.00	134,574.08
Speigner Prison:		
New prison and laundry building.....		19,054.04
Number Four Prison, Near Montgomery:		
New buildings		26,056.12
Wetumpka Prison:		
Remodeling of penitentiary.....		26,218.27
Kilby Prison, Montgomery:		
Cost of land, buildings, dairy, walls and equip- ment	\$ 1,053,235.02	
Cotton mills, shirt factory, dye house, warehouse	198,634.31	1,251,869.33
Alabama Reform School, Mt. Meigs:		
Dormitory and school house.....		8,513.84
State Capitol:		
Painting and repairs.....		12,440.00
Cost of building for State Board of Health, Montgomery		30,000.00
University of Alabama.....		115,000.00
Alabama Polytechnic Institute (Auburn).....		125,000.00
Alabama Technical Institute and College for Women (Montevallo)		75,000.00
		<u>\$ 2,356,465.11</u>
Rural School Houses Built and Repaired With State Aid:		
New buildings	587	
Old buildings repaired.....	478	
Buildings equipped	722	
Total cost.....		<u>\$ 4,509,925.00</u>

DEPARTMENT OF EXAMINERS OF ACCOUNTS

The following report of the Chief Examiner of Accounts shows the wisdom of the Legislature in placing this department under a responsible head and increasing the force of examiners to a number sufficient to perform the service in an efficient and effective manner.

Many valuable suggestions are made, to which I invite your careful consideration:

"Montgomery, Ala., Oct. 26, 1922.

Hon. Thos. E. Kilby,
Governor.

Sir:

I respectfully submit this report of the work of the Examiners of Public Accounts from Oct. 1, 1918 to Sept. 30, 1919, and of the operations and activities of the Department of Examiners of Accounts from its establishment Oct. 1, 1919 to Sept. 30, 1922.

Prior to the passage and approval of the Act of Sept. 29, 1919 creating the Department of Examiners of Accounts the duties placed on this department were performed by the Examiners of Public Accounts under the direct supervision of the Governor, the Chief Examiner being without power to control or direct the work of the examiners and being clothed with no authority not possessed by the associate examiners except with relation to the docketing and disposition of cases of delinquency in handling the public funds disclosed by the work of the Chief Examiner and his associates. Realizing the numerous advantages to be gained by placing the department under a responsible directing head, not the least of which was relieving the Governor of the multitudinous petty details of the administration and direction of the work, the Legislature at your suggestion established this as a separate department of the State government, placing the Chief Examiner of Accounts in charge of the department, its records and business, and making it his duty under the direction of the Governor to assign the assistant examiners to duty from time to time and generally supervise and control their investigations and examinations. Subsequently, by the Act approved Sept. 30, 1920, provision was made for increasing the force of assistant examiners of accounts. The increased efficiency and effectiveness with which this department, under your direction, has operated to protect and safeguard the interests of the State and the various counties in connection with the collection, safekeeping and disbursement of the public funds has demonstrated the wisdom of your recommendation that the work be placed under the direction of a department head who could give more time and thought to the details necessarily connected with the work of the department than the Chief Executive with his manifold duties and responsibilities could possibly devote thereto.

The enlarged force of assistant examiners of accounts selected by you under the provisions of the Act of 1920 has enabled the examinations and investigations of the books and accounts of the State and county officers, departments and institutions to be made at shorter intervals and with more of the care and attention to detail so essential to correct accounting and the effectual safeguarding of the interests of the State and county in connection with the collection, conservation and disbursement of the public funds.

COLLECTIONS FOR STATE AND COUNTIES

During the period covered by this report we have made a total of 111 examinations and investigations of the books and accounts of State officers, departments, institutions and activities, and 1,337 examinations and investigations of the books and accounts of county officers and institutions (county high schools being classed as county institutions), a total of 1,448 examinations and investigations. As a result of such examinations we have collected for the State treasury the sum of \$344,000.57, for the various counties the sum of \$532,699.71 and for sundry cities, towns and individuals the sum of \$6,803.49, a grand total of \$883,503.77 collected as a direct result of the activities of this department. Exhibit "A" hereinafter shows by counties the amounts found due the State, the collections thereon and the status of the balances uncollected. Exhibit "B" shows the same facts with regard to the amounts found due the various counties, while Exhibit "C" gives a recapitulation of the totals shown on Exhibits "A" and "B."

Of the total of \$883,503.77 collected by this department the sum of \$29,512.55 was collected for the State and a total of \$16,321.26 for sundry counties as a result of demands by mail and otherwise made by the Chief Examiner of Accounts following special investigations conducted by the Chief Examiner personally.

In Exhibit "D" to this report you will find a statement of the irregularities and discrepancies found in the disbursement of county funds by the

Commissioners Courts and Boards of Revenue resulting from the carelessness and indifference with which such courts and boards, in some instances, have discharged their duties with relation to the disbursement of the public funds. The examinations which disclosed these irregularities have without exception resulted in the exercise of greater care and attention of the requirements of law governing such disbursements.

AUDITING CLAIMS AGAINST THE STATE BEFORE PAYMENT

Your Excellency has wisely charged this department with the duty of auditing in advance of your approval for payment all claims against the State arising from the activities of the highway and military departments, all salary and expense vouchers and various and sundry other classes of claims. With the exception of a comparatively small class of these claims which were assigned to one of the assistant examiners, the Chief Examiner of Accounts in addition to his other duties has discharged the new duties so imposed on this department. While, with one exception, no favorable results in dollars and cents saved can be definitely stated this progressive innovation has furnished more thorough and effective protection against improper and illegal as well as wasteful expenditure of the State funds. The exception referred to is the specific saving of the sum of \$8,468.19 or 30% of one group of military strike duty bills amounting to \$27,451.62. While the saving to the State in this instance was exceptional, approximately the same percentage was saved by deductions and discounts secured on thousands of dollars of other claims of a similar nature. The definite and specific saving to the State from the deductions and discounts secured in the cases referred to above, together with the less tangible but none the less certain favorable results from this innovation of administration so clearly perceptible to one in close contact with the disbursement of the State funds, has demonstrated the fact that the change thus instituted was wisely conceived, progressive in its nature and protective in the results attained.

In this connection permit me to say there has been a noticeable reduction in the amount paid out on traveling expense claims as a consequence of your order prohibiting the indiscriminate, excessive and unnecessarily expensive use of Pullman accommodations and taxicabs by minor officers and employees of the State. In many instances such items, since eliminated, constituted ten per cent of the total amount of the claims.

Considering only the definite and tangible results in the way of shortages discovered and collections thereon it has proven its operations to have been eminently profitable to the State and counties, but no well informed person will deny that the most valuable effect of the work of this department is the discouragement and prevention of the misuse and misappropriation of the public revenues, and the equally important incentive to the many honest officials to discharge their duties with thoroughness and efficiency, furnished by careful, accurate, thorough and frequent examinations of their accounts.

RECOMMENDATIONS FOR LEGISLATION

I submit below a number of suggestions as to legislation which experience has shown to be necessary or advisable to enable this department more effectually to protect and safeguard the interests of the State and the various counties in the collection and disbursement of the public funds.

Official Bonds.

Instances have been disclosed where personal bonds of county officers were accepted with insufficient sureties and others where such bonds have become of no value by reason of financial reverses sustained by the sureties

thereon. To minimize the possibility of losses to the State and county on account of insufficient bonds I recommend the passage of an act requiring all official bonds to be made by duly authorized surety companies.

Official Bonds of Judges of Probate.

Under Sec. 5413 of the Code of 1907 the official bonds of the Judges of Probate are fixed and approved by the Circuit or Supreme Court Judges. The officers required to approve these bonds are without official knowledge, and frequently have little personal knowledge, of the facts a knowledge of which is necessary to enable the officer fixing such bonds to intelligently determine the amount necessary to effectually protect the State and county in each instance. That these bonds may be fixed and determined with a proper knowledge of the probable amount of money to be collected by each officer I recommend that this section be so amended as to require such bonds to be fixed and approved by the State Auditor.

Coal and Iron Ore Tonnage Taxes.

The next revenue law should contain a provision charging the State Auditor with the specific duty of keeping an account, in a book kept for that purpose, with each person, company or corporation engaged in the business of mining coal or iron ore so as to show the tonnage tax paid by each such taxpayer, such account to be kept in a form to show the months for which such license taxes have or have not been paid. Provision should also be made for the imposition of a penalty for delinquency in the payment of this tax sufficiently severe to create respect for the law.

Tax Collector's Cash Book.

I recommend the incorporation in the next revenue law of a provision requiring the tax collector to keep a cash book in a form to be prescribed by the Chief Examiner of Accounts or the State Tax Commission, and requiring the same to be posted and totalled daily and the totals thereon carried forward from day to day. Such a book, properly kept, is absolutely essential to a proper accounting of the tax collector's collections.

Reports from Tax Collectors.

To enable the Department of Education to keep informed as to the promptness with which county tax collectors make settlement with county treasurers of public school funds I recommend that provision be made in the next revenue law for such collectors to furnish the Department of Education with duplicates of the reports now required by law to be made to the State Auditor.

Clerks of the Circuit and Other Courts.

The law should be so changed as to require Clerks of the Circuit Court and all other county officers collecting fees and costs for the State to make monthly settlements with the State Treasurer. At the same time all such officers should be made subject to the same penalty for failure to remit within five days from the first of the month as is now imposed on the Judge of Probate for such delinquency.

Form of Privilege License Blanks.

I believe it would be to the advantage of the State and counties for the Auditor to be required to have the privilege license blanks prepared with a safety stub similar to the form used by the United States Government. I therefore suggest the incorporation of a provision therefor in the next revenue law.

Statements of Receipts and Disbursements by Counties.

I recommend the passage of an Act requiring the Chairman of the Courts of County Commissioners or Boards of Revenue to furnish the De-

partment of Examiners of Accounts with copies of the printed statements of receipts and disbursements now required by law to be published by such courts or boards.

Reports from County Treasurers or Depositories.

The Legislature should enact a law requiring the county treasurer or depository and the county treasurer of public school funds of each county to furnish the Department of Examiners of Accounts with monthly reports of all payments into their respective treasuries by county officers. Such reports would enable the Chief Examiner of Accounts to keep constantly informed as to whether or not the various county officers were making prompt settlement of their collections.

County Depositories.

Under the County Depository Act of 1915 the county depositories cannot be compelled to keep proper accounts and it is a practical impossibility for the Judge of Probate, who is charged with the duty of keeping such accounts, to properly keep the same so long as various and sundry other officers are authorized to draw warrants or orders on the county treasury. The law is weak also in that there is no centralized responsibility for the legality of disbursements, especially where the chairman of the Court of County Commissioners or Board of Revenue is not under bond. I earnestly recommend the enactment of such legislation as will require the depositories to keep proper accounts and as may be necessary to safeguard and protect the interests of the county relative to the legality of the disbursements made through such depositories or through the acting-treasurers where there are such officers instead of depositories.

CONCLUSION

In conclusion I wish to express my appreciation of the faithful service rendered by the capable and efficient force of assistants selected by Your Excellency for this department. They have at all times given me their active and sincere co-operation and have discharged their responsible duties with fairness and impartiality and with a stern sense of fidelity to duty.

I wish also to thank Your Excellency for the courtesy and consideration shown this department and for the able advice and wise counsel with which you have directed its operations and sustained and supported the head of the department and his assistants in their efforts to faithfully and fearlessly discharge the important duties imposed upon them.

Respectfully,
(Signed) CHAS. E. McCALL,
Chief Examiner of Accounts."

CONVICT DEPARTMENT

Since my incumbency in office I have made it a rule to make personal visits to the penal and eleemosynary institutions of the State. These visitations have been at frequent but irregular intervals and always without warning. In this way I have kept in close personal touch with all prison camps and conditions.

While on my first trip of inspection I realized the necessity for a thorough reorganization and overhauling of the convict system. The abolition of the turpentine camps was ordered at the first opportunity and prompt measures were taken for the improvement of conditions at other camps and prisons. This

work was begun under the supervision of Hon. C. B. Rogers, State Warden General, and continued under the supervision of State Warden General Wm. F. Feagin until, I am gratified to say, the entire convict department of the State has been brought to as high degree of efficiency as may reasonably be expected under the surrounding circumstances.

The conditions existing at the outset were undoubtedly very bad. Cruel treatment of convicts was not uncommon. The use of the leather strap was entirely too frequent and oftentimes attended with much cruelty. Food was insufficient in quantity, quality and preparation, and beds and bedding were filthy to a disgusting degree. All these things have been corrected. Humane treatment by wardens and guards is required and obtained. The use of the whipping strap has been forbidden. Iron army cots have replaced the vermin covered wooden swinging beds and the mattresses, pillows and sheets are clean and sanitary. New prisons have been built at Speigner and Number Four and the relic of barbarism at Wetumpka has been altered, thoroughly renovated and set apart for a prison and workshop for female prisoners. All State owned prisons are entirely new but one and that, as above stated, has been made suitable for its purpose.

On an early inspection visit I realized the necessity for and formed a determination to build a first class modern prison. When the time for beginning the project seemed propitious I sent the Warden General, Wm. F. Feagin, and my private secretary, Wm. A. Darden, with an architect and engineer, Martin J. Lide of Birmingham, to the Middle West for the purpose of examining the best examples of modern penitentiaries and forming plans for a new prison in Alabama. The work of building was begun in June, 1921, and completed in October, 1922. The prison was built to accommodate nine hundred inmates. In connection with this prison we have built a 10,000 spindle cotton mill and a dye works and a shirt factory. The buildings for these enterprises have been completed and machinery is now being installed. These buildings and machinery are of the latest design and thoroughly adapted to afford profitable employment to all of the inmates of the prison who are able to work.

In connection with the prison, mainly for the purpose of supplying milk and butter for the convicts, we have built a modern dairy, stocked with a fine herd of Guernsey cows.

Many other improvements have been made as will be shown in the report of the Warden General covering operations of the department for the quadrennium ending September 30, 1922. I commend this report to your very careful consideration as a paper showing a remarkable reform in the handling of the State's convicts, and I ask you to give particular attention to the remarks concerning the Indeterminate Sentence Law passed by the Legis-

lature of 1919, and the matter of dividing the earnings of convicts with dependent families.

I heartily recommend that authority be given for the employment of additional parole officers. I also recommend that provision be made for payment of a portion of the earnings of convicts to their dependents, especially to those who may be shown to be in destitute circumstances.

It is not always the case that the violator of the law is the chief sufferer. It is more often that distressed wives and helpless children bear the greater burden. Surely the taxpayers of Alabama will be willing to give up the necessary amount of the convict earnings for the relief of such cases. The report follows:

Montgomery, Alabama, December 20, 1922.

"In accordance with your request of the 12th ult., I hand you herewith for the State Board of Control and Economy a comprehensive report of the operations of the Convict Department for the quadrennium ending September 30th, 1922, as brief as it can be made with due regard to the provisions of section 6501 of the Code.

During this period this department was combined with the State Board of Control and Economy and the Board of Convict Inspectors abolished with a consequent change in the methods of accounting employed.

An all-time physician inspector, an all-time chaplain and welfare worker, a technically trained farm and dairy supervisor and a licensed dentist have been employed and report their activities to the department at regular intervals.

Changes have been made in the office and prison records pertaining to convicts, important among which is the installation of card index systems showing all the information in connection with each prisoner and references to the other records necessary to be kept. This system has eliminated various record books, reduced the detail work of the office to a minimum, made available all information without research and has replaced all the indexes of the office.

A record has been developed whereby the number of prisoners in the penitentiary and at each prison can be ascertained on any date since its installation. Monthly reports in detail of the money and valuables belonging to prisoners in the hands of the wardens, monthly inventories by items of equipment at each prison, and monthly statements of the operations of the prison stores are regularly received from the wardens. Daily reports showing the number of men on hand at each prison, the number employed, the number excused by reason of illness and the number of flunkies and their duties, as well as the quantity of milk, butter and eggs produced and consumed and the amount of food required to produce them.

A system of serial numbers has been adopted and the number assigned to each prisoner upon his receipt into the penitentiary is used in all correspondence and transactions pertaining to him to definitely identify him during the whole of his prison term.

The method of computing short-time allowance for good conduct where a prisoner has more than one sentence has been changed from allowance on the aggregate sentence to allowance on each sentence separately.

In your inaugural address you recommended certain reforms in sentencing prisoners convicted for crime, the result of which was the enactment by the State Legislature of the indeterminate sentence law which discontinued the traditional system of hard and fast penalties for crimes and provided

that the penalty be adjusted not only to the offense but to the individual offender and prevented variation in temperament and attitude of judges from resulting in inequality of sentences that naturally created a feeling of injustice in the minds not only of the prisoners themselves but of the more intelligent public. This law is based on the theory that the detention of the prisoner cannot be adequately determined by the court at the time of the sentence and the detention in the prison of the prisoner should be sufficiently long to measure the probability and progress of his reformation and rehabilitation, and at the same time allow for a period of conditional release before the expiration of his maximum period of confinement. To meet the requirements of this law there was appointed an identification and parole officer of the department whose duty, in addition to finger-printing and photographing prisoners received into the penitentiary, is to keep in touch with and require reports from paroled prisoners in the post-prison period and trace the after careers of the prisoners until the expiration of the maximum time of their sentences. I believe that prosecuting attorneys and judges should be required to furnish such information as they possess relative to the offense as well as of the man himself, also their impressions of his character. I would urge the adoption of the policy of personal investigation of the offense and the circumstances under which it was committed. This information would be invaluable to the parole officer in the performance of his duties. In the scheme of rehabilitation I believe that, in addition to the parole officer already employed, two others could profitably be used whose duties would be in the nature of field work under the direction of the State Warden General, consisting principally of securing employment under moral conditions for prisoners to be paroled and make contracts for same, visit them and their employers monthly, secure reports from them and their employers, and upon revocation of their paroles by the Governor for violation of the terms thereof, or arrest and return them to the penitentiary and make monthly reports of their activities from day to day.

In this connection I do not think it is amiss for me to express the hope that the rights of dependents to a portion of the earnings of their convicted husbands and fathers will be recognized and a way provided for an equitable division of such earnings with dependents to be made by the Convict Department. Under the present system a convict is required to give up his all and while he is at work earning for the State, his dependents are too frequently driven from place to place for lack of proper protection and are denied the bare necessities of life. Children raised under such conditions are prone to fall into error and often become criminals from force of circumstances and thereby demonstrate the weakness of the present system. I believe that a convict's earnings should be shared equitably with his innocent dependents, that it will be conducive to right thinking and right living on the part of the convict and his helpless wife who so heroically struggles to carry the load but so often fails. This condition could be taken care of to a great extent by an allowance made to each prisoner based on the time served and his conduct while in the penitentiary, a part or all of which allowance should be remitted to the dependents at regular intervals. Besides contributing to the upkeep of his dependents, it would furnish an incentive to good conduct.

The old swinging double wooden bunks equipped with thin excelsior and straw mattresses, infested with vermin, have been replaced with sanitary single iron cots furnished with adequate cotton mattresses with duck covers, two sheets each, pillows and pillow cases all of which equipment is manufactured by the Convict Department with convict labor and is changed twice each week.

Uniform individual lockers attached to the walls in each prison are in process of manufacture, replacing boxes of various shapes and dimensions,

bags and bundles kept on the floors under the beds furnishing harbors for trash and filth.

All of the clothing used by prisoners, except winter underwear and hosiery, is made in its own tailor shop with convict labor from cloth manufactured by convict labor in the State's cotton mill.

Rules have been promulgated requiring all prisoners to wear regulation clothing, as contemplated by section 6537 of the Code. Rubber mine shoes have replaced the stiff, steel-bottom brogans formerly used, thus reducing to the minimum fatalities from electric shock and greatly contributing to the comfort of the prisoners in the mines.

A system of numbering has been developed that not only returns to each man his own clothing but his bed clothing as well.

Sanitary laundries with new kettles and furnaces have been installed at each of the prisons and men are stationed in each to mend all clothing and replace missing buttons.

The cells have been equipped with a sufficient number of tables and benches for the use of the prisoners while reading, writing, studying and playing games which relieves the cots and beds from use as lounging places while the men are in their cells.

Comfortable and convenient bath-houses in which hot and cold showers may be had have replaced the cold tub baths formerly in use and the prisoners are required to make use of these baths regularly. Facilities for bathing the face and hands have been improved and sufficient towels manufactured by the State are furnished for the use of the convicts.

Adequate fire escapes have been provided at most of the prisons.

Special deputy wardens are now required to go into the mines each working day and remain until the convicts have finished their tasks, in order that the physical welfare and safety of the prisoners may be had in the mines as well as in the cells.

Sleeping quarters have been screened against flies and mosquitoes and cell boys are required to promptly dispose of any flies or other pests entering through the doors when in use.

Barber shops have been fully equipped in each prison and all of the prisoners are required to be shaved semi-weekly and hair cut semi-monthly. Dairymen, cooks and others in similar work are required to shave daily.

The all time licensed dentist cares for the teeth of the convicts and keeps a detailed record of all dental work done and all found needed. Tooth brushes have been furnished the convicts and the dentist sees that they are used regularly.

Sanitary drinking fountains have been installed and are required to be in order at all times, looking to reducing infection from the use of a common drinking vessel.

During this period one of the most important improvements made is in the quality and preparation of the food served the prisoners. Modern steel ranges of adequate capacity have been installed at each prison, replacing the syrup-kettle method heretofore used, and the kitchens are equipped with sufficient modern cooking vessels.

Substantial baking ovens have been installed at each prison and milk break of high quality is served daily in sufficient quantity. This was made possible by the inauguration of a school for training bakers from among the prisoners taught by a competent baker employed for that purpose until a competent teacher from among the prisoners could be trained.

Daily bills of fare properly balanced have been worked out by competent authorities for each day in the month and each meal is prepared and served under the constant supervision of one or more of the prison officials and assistants. Meals properly prepared served hot have replaced the poorly prepared meals served cold prior to this period. There has been only a slight additional cost attached to this improvement.

The dining rooms and kitchens have been completely overhauled, the windows screened against flies, the plumbing and heating improved and the tables rebuilt along sanitary lines so that they are kept clean at all times. Foul odors are no longer noticeable in these places. In some of the prison dining rooms in the mining district where prisoners are necessarily more or less irregular in attending some of their meals, steam tables installed at slight cost have proven very satisfactory in keeping food warm and palatable. An ample supply of plates, cups, saucers, pans, buckets, knives, forks and spoons have been provided in each prison dining room.

Prior to this period, little if any of the milk produced at the prisons reached the prisoners but was consumed in the guards' dining rooms and kitchens, by the wardens and their families and others, but during this period the cow barns at all of the prisons have been improved, better and more cows with adequate pasturage have been provided with a consequent increase in the flow and quality of milk, all of which, with the butter produced, is used in the prison kitchens, bakeries, dining rooms and hospitals. The eggs and young chickens produced are also used in cooking and in the hospitals. The herds at the prisons are headed by pure bred sires.

The discontinuation of the guards' dining rooms and kitchens at the several prisons has effected a saving estimated to closely approximate the additional cost of the food served the prisoners.

The prison hospitals have been improved, equipped with larger and better appointed operating rooms and are inspected daily by both the prison physician and the warden and at frequent intervals inspected by the physician inspector. Necessary major and minor operations are now performed in the prison hospitals. All new arrivals are vaccinated against smallpox. Both clinical and admission charts are prepared for each patient admitted to the hospitals whereby the physician is enabled to study and treat each patient intelligently.

The general sanitation of the prisons has been placed in charge of the local physician under the supervision of the physician inspector and the local physician reports to the department twice each month on the sanitary condition of his prison. No vermin is permitted in the sleeping quarters of the prisons.

The grounds surrounding the prisons have been improved by the planting of flowers. In some of the grounds landscape work has been attempted with pleasing results.

Gambling has been almost entirely eliminated among the prisoners and religious services are had every Sunday at the prisons. Nearly two thousand (2,000) copies of the Bible and a hundred thousand (100,000) high class magazines and periodicals have been provided for the prisoners without cost to the State.

Uniform visiting days have been adopted when friends and relatives are permitted to visit with the prisoners under the supervision of the wardens.

The remains of prisoners who die receive better preparation for burial and shipment to relatives.

Moving picture machines have been purchased and placed in seven of the nine prisons and entertainment furnished free to all prisoners of classes A and B. Several hundred dollars raised through paid motion pictures to prisoners and others have been expended for sporting goods, musical instruments and harmless games for the entertainment and betterment of the prisoners.

Twilight schools have been established at the prisons where the inmates are encouraged to attend and study.

Dairy records of the cows are kept to enable the department to determine which cows are not profitable and special attention is given to the development of promising heifers from worthy dams.

Pure bred sires head each herd of hogs at the prisons. These sires are raised by the department at Kilby Prison where a modern hog farm has been established and operated profitably.

In the general farming done by the department legumes have been extensively planted both for forage and for the improvement of the soils as well as to reduce the expenditures for commercial fertilizers.

Plans have been developed to raise all the syrup consumed at the prisons as well as produce a supply of peas and potatoes at each prison. Modern potato houses have been built to properly cure and preserve sufficient quantities of potatoes.

During this period larger crops of corn and forage have been produced on farms numbers four and five than has been the case heretofore. A corn mill has been installed at Farm No. 4 from which most of the meal consumed by the department is shipped.

The State has probably engaged in more building activity during this quadrennial period than in any other in the history of the Convict Department. Just prior to the beginning of it the antiquated building at Farm No. 4 was destroyed by fire. It has been replaced by the erection of a commodious prison building of wood on a substantial brick foundation with complete light, water and sewer systems. An additional well has been bored with sufficient flow to meet all demands.

When this farm was further developed by clearing and drainage, it became necessary to increase the storage space for farm products and sheds for the protection of farming implements. Barns and sheds were built with used lumber and convict labor, the lumber having been purchased from the United States government at advantageous prices. More recently other storage space has been provided from lumber manufactured by the State.

The original prison building at Wetumpka has been extensively repaired and thoroughly renovated for housing women convicts. A fully equipped, well lighted and ventilated tailor shop with facilities for the manufacture of all clothing and bedding required in the operation of the department will be located where there were formerly gloomy dungeons.

The State cotton mill at Speigner has been improved. Automatic looms have taken the place of old style ones, resulting in an increase in output and improvement in quality of finished product. It became necessary to replace the old slasher with a new one, ordinary wear having rendered it unserviceable.

The conditions at Speigner Prison were such as to demand a new prison building. Accordingly plans were made and a contract entered into for a building of sufficient cubic space and ventilation to meet all demands, the common labor and some of the skilled labor used being furnished from among the prisoners and the lumber furnished largely from the State's saw mill manufactured with convict labor from timber cut from the lands of the State. During this period there was constructed at this prison a new septic tank for sewage disposal of sufficient capacity to meet the needs of this prison.

During this period it became necessary to repair the dam at Speigner. Convict labor has been used to put it in such condition as to render it temporarily safe, and further strengthening of it by driving piling to permanently reinforce it is contemplated. Due to the unusual requirements from convict labor in carrying out the improvement program of the department, labor has not been available for this work and this accounts for the fact that this part of the improvement program of the department has not been completed.

The most important undertaking of the department during this period was the purchase of 1,413 acres of land, a part of the former site of Camp Sheridan, and the erection thereon of a modern prison building with a comfortable housing capacity of about 900, within an enclosure of more than

twenty-seven acres surrounded by a reinforced concrete wall twenty feet in height. This prison building is of the most modern construction with adequate hospital, bathing, laundry, lighting, heating and power equipment. Within the enclosure there is under construction a cotton mill of 10,000 spindles capacity, the entire output of which has been contracted at the market price for a period of five years, thereby guaranteeing to the State a legitimate manufacturing profit for that period.

In connection with this prison there has been constructed a modern dairy barn equipped with all of the necessary facilities for producing and handling the product in the most sanitary way. Silos, feed carriers, and manure pits, as well as all other necessary improvements and labor saving devices are a part of this plant. This barn has been stocked with Guernsey cattle of the best blood lines and milk producing proclivities.

Nearby this dairy plant is the modern hog farm referred to elsewhere in this report. It is provided with housing facilities along modern lines and is stocked with registered Duroc Jersey hogs that consume the surplus of skim milk from the operation of the dairy. From this farm, all of the farms of the Convict Department are supplied with pure bred stock for breeding purposes.

CONTRACTS

At the beginning of this period, contracts were in force with four coal operators, viz.: Montevallo Mining Company, mine at Aldrich; Bessemer Coal, Iron & Land Company, mine at Belle Ellen; Pratt Consolidated Coal Company, mine at Banner, and Sloss-Sheffield Steel & Iron Company, mine at Flat Top.

All of such contracts with coal operators existing at the time were terminated by agreement on December 31, 1919, and new ones effective January 1, 1920, entered into for a term of three years. All of these new contracts were based on the price paid free miners for pick-mining on the Big Seam which, at that time, was 85½¢ per ton and amounted to:

- \$93.12½ per month for 1st class men,
- 83.12½ per month for 2nd class men,
- 73.12½ per month for 3rd class men,
- 63.12½ per month for 4th class men,

and provided for an advance or decline on the same percentage as any advance or decline was made in the price per ton paid to free miners. During the tenure of this contract, the price paid the State for first class men advanced at one time to more than \$105.00 per month—the highest price ever received by the State for any of its convicts.

During the current calendar year, the Montevallo Mining Company was declared bankrupt, and its mine has been operated several months by a trustee under an order of the court. The contract with this trustee has been extended from time to time and recently has been extended to end January 31, 1923, on terms similar to those of contracts with the other contractors mining coal. In making the last extension one of the conditions was the settlement of the indebtedness of the company to the State for accrued hire of convicts.

The contracts with Pratt Consolidated Coal Company, Bessemer Coal, Iron & Land Company, and Sloss-Sheffield Steel & Iron Company, have been extended in all respects for the period of one year with the added advantage of a simpler method of definitely determining the amount of hire due for convicts each month.

In addition to the contracts with coal operators, there was one with the Horse Shoe Lumber Company, dated March 20, 1918, effective April 1, 1918, for a period of five years, and ending March 31, 1923. This contract also contained a provision for increase or decrease in convict hire based on the

price of lumber, the base price being \$50.00 per month per man when the price of lumber is \$25.00, and an increase or decrease of \$2.00 per month per man for each \$1.00 change in the price of lumber.

This contract was used by you as a base contract, and contracts with Dixie Turpentine Company, Henderson Land & Lumber Company, Bagdad Land & Lumber Company and Alabama Turpentine Company were amended, effective February 1, 1919, so that the convict earnings under them should equal the earnings from the Horse Shoe Lumber Company. The results of this amendment are reflected in the financial statements herewith. All of the contracts mentioned in this paragraph were terminated to improve conditions with those convicts employed under them.

In addition to the manufacture, at Wetumpka, of clothing and bedding required in the operation of the department, a contract has been entered into with the Life-wear Manufacturing Company that will furnish profitable employment for not less than eighty-five nor more than one hundred and fifty prisoners. There has been equipped a room in the prison by the second party with modern cutting tables, machinery and appliances for the expeditious and economical manufacture of a garment under the supervision and instruction of the second party who will maintain and keep in repair all the equipment and compensate any person for damage or injury resulting from failure to so maintain and keep in repair such equipment. Under this contract, the State is to furnish the necessary light, heat and power for the operation of the plant, and will receive a stipulated price for the manufacture of the garments, at the same time retaining the control and management of the convicts.

The output of the mill under construction at Kilby Prison is to be consumed by the Reliance Manufacturing Company in a plant to be equipped by them within the prison enclosure. This plant is to furnish profitable employment to not less than three hundred (300) nor more than six hundred (600) prisoners, and will be operated under the supervision and instruction of the second party with light, heat and power furnished by the State, which will receive a stipulated price per garment and in addition a fixed return for transporting and handling the raw material from mill to warehouse. There is an option in this contract, whereby the capacity of the Kilby mill may be increased from 10,000 to 25,000 spindles and the second party take the increased output. This contract makes further provision for the sale of the output of the Speigner mill and its present capacity to the second party, should the State elect to manufacture a product of certain specifications. Payment under this contract as well as under the one with the Life-wear Manufacturing Company is to be made to the State by the 10th of the succeeding month.

FINANCIAL STATEMENTS

There are attached hereto both detailed and condensed statements of the receipts and disbursements at each prison during the quadrennium, showing among other things the increased revenues received from the revised contracts effective February 1st, 1919 and January 1st, 1920.

From these statements it will be readily seen that the earnings of the convicts have been greater than at any period in the operation of the department. In addition to the high earnings of the prisoners during the period, the prison properties have been brought to a higher state of development than at any time in the history of the prison system of the State. After maintaining the department and making investments of more than \$1,000,000.00, there remains excess earnings for this period of \$2,360,098.52.

The farming and gardening operations of the department are shown to have yielded greater returns than heretofore and the State's farming lands are in a higher state of cultivation at the close of the period than they were

at the beginning. In the recent past, a farm land expert viewed one of the State's farms and his comment contains the following:

"Most of the soil seems to have been well handled, the crops rotated, and the fertility maintained by manuring, fertilizing and the growing of such legumes as cowpeas, velvet beans and peanuts."

There is also attached a condensed inventory of prison properties and equipment showing the investments of the State in lands and buildings to be \$2,155,172.37, and in prison and farm equipment to be \$182,911.10, making a total investment in prison properties and equipment of \$2,338,083.47. The values placed on the properties are conservative, being based on the selling price of the adjoining property while the equipment has been valued by competent persons who are familiar with all of it, including the livestock.

In preparing this inventory, the growing crops on the farms have not been included.

Respectfully submitted,

WM. F. FEAGIN,
State Warden General."

ALMSHOUSES AND COUNTY CONVICT CAMPS

Your attention is directed to the following statement concerning almshouses and county convict camps, by Dr. Glenn Andrews, State Prison Inspector. His suggestion that county convicts be delivered to the State for keeping and working meets with my hearty approval and I commend it to your earnest consideration. I also approve of the proposed plan for district almshouses and hope some such plan may be worked out:

ALMSHOUSES

"Regular visitations have been made to the almshouses of the State and suggestions and advice given looking to improvement of these institutions. In some counties, there has been a marked change for the better, several having either overhauled old buildings, or constructed new ones, and more adequately met the demands for the ordinary comforts of life, and in providing wholesome food. Some counties have made less progress along this line, and others have done practically nothing, but have continued a policy of shameful neglect toward this unfortunate class.

The provision made for the indigent is, in many of the counties of this State, to say the least, indifferent, crude and productive of evil results, and reflects neither credit upon our generosity nor Christian civilization. It is not enough to say that we are doing equally as well as most other states. That neither relieves our reproach nor removes the danger of poverty.

Destitution is the greatest evil with which man has to contend. It begets poverty, ignorance, crime, disease, and death. Hence, it is the supreme part of wisdom to combat it in an intelligent and wholesome way. There are at present more than one thousand inmates in the county almshouses of the State, and this number, unquestionably, would be greatly augmented if better accommodations were provided; for, it is a matter of common knowledge that these unfortunates frequently make the best of doubtful conditions in preference to going to the county institution which offers but little, if anything, better than the squalor and privation which already surrounds them.

The feeble minded, epileptic and insane, of course, are not proper subjects for the almshouse, and should, and must, have different provision made for them; and children between the ages of one and eighteen years should be barred by State statute from these institutions.

Upon visitations to the almshouses of the different counties, from time to time, fifty-five children were found confined in them. Their cases were,

in each instance, reported to the Director of the Child Welfare Department, in order that such provision, as was possible, might be made in order to remove them to more suitable surroundings.

In most of the counties of the State the almshouse property consists of a farm varying from a small tract of land in some, to quite an extensive acreage in others, and houses for the superintendent and inmates. The buildings generally are very cheap box affairs, constructed of rough lumber, and are provided with no conveniences. The furnishings are in keeping with the structures, and the surroundings are uninviting. In a large majority of instances water, for all purposes, is obtained from surface wells, drawn in buckets. No bathing facilities being provided, the inmates use small tin tubs or basins, for this purpose, or go without ablutions for indefinite periods of time. Ordinary surface closets, in the main, are in use, and they are both offensive and dangerous. It can be readily seen that the simplest principles of sanitation cannot be enforced, and that comfort is impossible under such conditions.

In a majority of the counties the commissioners enter into a contract with some person to supervise and conduct the almshouse, paying him on a per capita basis from about eight to twenty dollars a month, and he has, in addition, the proceeds from the cultivation of the farm lands, if there be such, for feeding and caring for the inmates. The counties usually supply furnishings for the houses, and provide shoes and clothing for the inmates. However, in some instances, the superintendents are required to furnish the shoes and clothing.

Under the system generally practiced in the State, the supervision, care, direction and control of the inmates of the almshouses is practically left to the superintendent in charge. He and members of his family usually look after the inmates, and in addition, do the work required about the premises and the farm. The contract is entered into by the county on account of its supposed saving in money to the treasury, and by the superintendent as a means of providing a support for himself and family and of laying up money for the future. It can be readily understood that the inmates, necessarily, frequently suffer from neglect, this being specially the case among those who are ill.

It is not so much the fault of the supervisors, as it is the system in vogue, that makes conditions, in many of the almshouses of the State, unspeakable, and a betterment cannot be reasonably expected until a radical change is inaugurated.

With limited exceptions there is but little, if any, provision made for religious services at these institutions. Men and women sicken, suffer, die and are interred, without the privilege of ministerial consolation or decency of Christian burial. Only a pauper, and no one cares.

A ready commingling of the sexes obtains in all but a limited number of the almshouses. A very large majority of the inmates of these institutions are, of course, aged; however, there are men among them who are virile, and women still capable of child-bearing, and it is imperative that there should be absolute sex segregation.

Children, the product of almshouses, are either feeble minded, or if normal, almost invariably become criminal, and, hence, are not only a menace but a care to society.

Only a proportion of the indigent and feeble minded find their way into the county almshouses. Many of the remainder roam at large, giving life to disease, poverty, crime, sorrow and distress, adding an incalculable burden to be borne by the unthinking public. Unfortunately this state of affairs is greatly augmented in some of the counties by the action of those in authority who, instead of making proper provision for the care of this class, and bringing them under observation and control, actually invite the condi-

tions above mentioned by paying out a stipulated amount each month to certain paupers, and permitting them to live and go where they please.

Fortunately the percentage of destitution in the State is, apparently, no excessive. However, the condition is here and demands careful consideration in order to mitigate, as far as possible, the suffering which it causes, and to circumvent the evils which it begets.

The loss entailed from poverty is largely intangible and, hence, it is difficult to make the people appreciate its magnitude. It is reasoned that if a man is unable to labor, how can there be a loss if nothing was ever earned? The answer is obvious. When a person, from any cause, fails to sustain himself, and to add to the accumulated wealth of the community, by his efforts, the amount usually produced by the able-bodied, the community loses that much. Again, it is well recognized that each dependent calls for the services of another to care for him, and this loss is further sustained. If for no higher motive, selfishness demands that rational procedure be had which will estop such conditions.

The poor farms of fifty-three counties comprise an aggregate of 4,790 acres of land. Eleven counties maintain no almshouse and three, viz.: Clarke, DeKalb, and Pickens, have failed to report. These lands are valued at \$186,800.00 and the buildings and furnishings at \$271,566.00, or a total of \$458,366.00.

It cost in money actually paid out by sixty-four counties last year \$189,066.07 to operate these institutions, and in caring for the poor. In addition to this, in most of the counties, the returns from the cultivation of the lands was allowed as a part of the remuneration of the superintendent of the almshouse. These counties cared for an average of 1,081 inmates per month during this period of time. It will be seen then that it cost \$14.57 per capita each month to provide for the paupers. This, however, does not provide a clear idea of the true conditions, for the cost of such purpose varies widely in different counties. One county paid as high as \$40.11 per month for each person, another \$34.16, while on the contrary it cost but \$2.00 per capita a month for another county to farm out her wards.

Again, this property belongs to the different counties of the State and is non-taxable, the State and counties thus lose the taxes therefrom. There is invested about \$450,000 in money, which is non-interest bearing, and in most instances, at least, brings but little, if any, return to the county making the investment. These are legitimate items of cost to be added to the annual expenditure for the maintenance of the paupers.

Four hundred and fifty thousand dollars is not an unreasonable amount to have invested for suitable places in which to care for the State's unfortunates of this class, nor is \$190,000.00 a large amount to pay annually for their support, provided they are well cared for, and society receives just and adequate protection in return. The expenditure of a much larger amount, if necessary, to gain these ends would be economy. However, under the prevailing system, in most counties, neither is attained.

Poverty being recognized as the greatest curse confronting society, then society owes it to itself to institute all possible measures, that are reasonable, to control and wipe out pauperism, and while providing unselfishly for the unfortunates of this class, at the same time, should demand of all such who are mentally and physically able to labor, even in a limited degree, that they perform given daily tasks, thus aiding in their own sustenance. By such requirements and proper oversight, all of them will be made happier and healthier, and some, at least, returned to avenues of self respect and support.

Since the laws of the State governing these institutions are practically negligible, comprehensive statutes must be enacted by the Legislature for their control. The question must not be considered merely from the stand-

point of caring for the unfortunates among us, but, as well, for the protection of society from suffering, vice, crime and death, and from the great financial burden which such conditions, when permitted to run at will, entails.

The county commissioners should realize the great and menacing burden, which present conditions place upon the community, and recognize that the management of these institutions must be reduced to a practical and common-sense basis. The county must operate the institutions, selecting a superintendent according to given qualifications, and place him upon a salary dequate to command both his talents and time, and furnish such necessary assistance as may be demanded.

The first cost for establishment and subsequent overhead expense is the chief financial burden. It occurs that if several contiguous counties, or all the counties of a congressional district, or of some other unit, should unite in constructing and maintaining an almshouse, these items would be greatly reduced for the individual counties participating.

Besides comfortable homes, each institution should be provided with farm lands of sufficient acreage to produce all necessary vegetables in abundance, and to graze cattle for meat and dairy purposes.

County convicts should be designated for given work, and these together with such of the inmates as are able to labor, could make the farm practically support the institution.

A proper place having been provided, society, for self-protection, must force all who are unable to gain self-support and have no one to care for them, to enter the institution and be subject to proper discipline and control.

Adequate provision must be made to separate completely the worthy from the vicious, and the sexes must be kept absolutely apart. Wise discipline, orderly work and kindly management will undoubtedly inspire new hope, and a desire for better things in the minds and hearts of some of these unfortunates, and if carried to a logical conclusion, such humane course will, within a generation or two, work a complete revolution in the matter of pauperism in our State."

COUNTY CONVICT CAMPS

"While making inspections of other institutions my attention was called to the conditons prevailing in the camps for county convicts in several of the counties.

Your Excellency was advised relative to this, and under the provisions of the General Acts of the Legislature 1911, page 631, you authorized me to visit all such camps, and to exercise such jurisdiction over them as is provided by law.

The statutes relative to county convicts are inadequate, and should be so revised as to bestow more direct authority upon the State regarding their management and control.

At present ten counties are working their convicts on the roads, one of which leases the convicts of four other counties, and one divides its convicts, sending part of them to the mines. Two counties lease their convicts to farms, fifteen to two different lumber camps, and thrity-seven to a coal mining company.

From time to time these camps have been visited, as opportunity permitted, and in several of the counties there has been marked improvement in the housing, general sanitary conditions, food and in other ways tending to make for the better care and comfort of the prisoners.

In some, however, the conditions are far from satisfactory. The limited number of convicts makes it too expensive to properly provide and care for them, and as a result the men suffer from a lack of the most ordinary comforts and from neglect.

Where men are taken out on the road to work, in some instances, the movable steel cages are used, and the men are necessarily crowded into them upon returning from work, and have not sufficient room for exercise or recreation to which they are entitled.

The overhead expense, incident to these county camps, is usually a burden greater than the returns gained from the labor of the prisoners. Again, under this system a man is sentenced to hard labor and no account is taken of his physical condition.

The number of convicts is too small in a large majority of the counties, to afford the necessary expense to provide for observation and classification before assignment to work, and too, a county can only use her convicts in a limited sphere, either to work the roads or farms.

In several of the counties where the convicts are worked on the roads, the county authorities state that the labor is satisfactory and that the cost is no greater than that of free labor, if as great. However, the authorities of some counties frankly say that the system is both unsatisfactory as to results obtained and expensive. The members of the Board of Revenue of one of the counties said that, the system wrought a great burden, and was highly unsatisfactory and was only kept up through regard for public sentiment which demanded that the convicts be worked on the roads.

The fact that fifty-seven counties have abandoned the working of their convicts, and are leasing them to other agencies for small remuneration, is strong evidence that the system of county operation, as practiced in this State, has been a failure, and suggests that more rational means should be instituted for disposing of these prisoners.

These convicts are largely drawn from among petty offenders and, hence, the sentences of many of them are for short periods of time, a few days or months, and hence, contracting companies, who are required to take all the convicts of a county, regardless of physical condition or term of sentence, pay only a nominal amount per capita for them. These companies, of course, enter into the contract for the purpose of gain, and expend no more than they are compelled to upon the care and comfort of the prisoners, and exact as much in return as the men can be made to produce, with their labor. There is no supervision over these places, except such as is afforded by occasional visits from a State representative.

If prisoners are to be leased, the institution leasing them should be brought under close supervision and control in order to minimize or prevent evils, which, otherwise, will inevitably creep in.

The wide difference in population, property values, climatic conditions and racial integrity, between the several counties of the State, renders it difficult to establish a uniform system of employment for convicts which would be applicable alike to each unit. Possibly a district, comprised of a number of counties, might in a way solve the problem, and certainly has many advantages over the present individual plan. The overhead expense would be greatly reduced, and the larger number of prisoners employed in labor would justify better accommodations and care, and enable the authorities to pay larger salaries, thereby securing more intelligent supervision. In the event a county did not work her convicts it might be required that they be delivered to the State for disposition, the State in return paying to the county a just amount for the services of the convicts less transportation expenses.

For obvious reasons, small or sparsely settled communities rarely make adequate provision for these unfortunates, and inhuman treatment inevitably results sooner or later wherever it is undertaken.

A person adjudged guilty of transgression of the State's law, misdemeanor or felony, should automatically go to the State for punishment. Such procedure, however, would require a radical change in the existing laws and custom in this State. It is a proposition tho' well worth consideration.

The State alone, on account of the magnitude of the question involved, and the necessary great cost, can supply the means whereby prisoners may be properly classified according to mental as well as physical condition, and institute such varied occupations as will make it possible to use to advantage the different prisoners according to their several abilities and terms of sentence, at the same time teaching them useful occupations, and thus afford the best means by which efforts can be put forth which will tend to lead to an elevation in morals, and open the door of hope, to some at least, who have found their way into paths of wrong doing, and returning them to society better for their punishment, and with an opportunity to lead useful lives, instead of confirmed criminals, made four-fold worse through the means which were resorted to as punishment for their misdoing.

A great deal of theory and well meaning sentimentalism is offered as a means of controlling and disposing of criminals. However, there should be no illusions nor delusions on the subject. The criminal as a class has to be dealt with firmly and positively, but this should be tempered with a kindly spirit of humanity. They should be made to labor at such service as they are best fitted for, and is provided by the State, in order to requite the State for their crime, and to maintain the expensive system of courts and prisons made necessary by their class.

A prison system is a complex question of many angles and huge proportions, and of such magnitude and importance as can be properly handled only by the State. This being the case, the State should exercise the majesty of her power and establish and operate an institution which will give profitable employment to all who are committed for transgressions of the law, affording them every reasonable opportunity for development of character, and becoming useful citizens when released from servitude, but, at the same time, exacting a just recompense to relieve society from excessive burdens caused by their acts, and protecting it against their future misdoings, and serving as a deterrent to others."

UNIVERSITY COAL LANDS

The Legislature by an Act approved September 23, 1919, directed the Governor and the Board of Control and Economy to make an investigation of the practicability of employing State convicts in the mining of coal on the lands of the University of Alabama. An appropriation of \$250,000 was authorized by the same Act for the purpose of developing the coal lands if it was deemed feasible and practicable. The conclusion was reached, after investigation, that the mining of coal from lands belonging to the University was not feasible or practicable with the amount of money authorized for the purpose.

In the opinion of the Board, to open and equip a mine with a capacity of 1,000 tons per day electrically operated would cost approximately \$500,000.

CONVICT LEASE SYSTEM

By an Act of the Legislature approved September 23, 1919, it was made unlawful for any person to lease or let for hire any State or county convict to any person, firm or corporation after January 1, 1923. By an Act approved October 29, 1921 the time

was extended one year. There has been much misapprehension throughout the State as to the effect of these Acts. The impression is quite general that the law forbids the working of convicts in coal mines after January 1, 1924. A casual reading of the law shows that it does no such thing. The law forbids the leasing of convicts after January 1, 1924, to any one for any purpose, but it does not prohibit the State from **working** convicts in mines provided they are not leased or let for hire.

The effect of this legislation is to abolish the convict lease system, but it permits what is known as the contract system. Under the law it would be possible for the State authorities to contract with a coal operator to mine, load and deliver coal at the mouth of the mine at so much per ton.

I have never been infected with the maudlin sentimentalism that is responsible for the doctrine that it is cruel and barbarous to work convicts in mines, that the convict should never be deprived of the open air and sunlight which is denied thousands of honest free workmen who choose mining as their business in life. But, I do believe that the convict should not be sent in to the mines except under conditions that will absolutely insure his good and humane treatment.

I have thought that the working of convicts in mines under the contract system would be safe and just to the convict, but with the light of a longer and broader experience and earnest consideration I have become convinced that no convict should be sent in to the mines except under conditions that remove him absolutely beyond the control and interest of any private person whatsoever. The only safe and justifiable conditions under which convicts can be worked at coal mining would be in mines owned or leased by the State and operated independently of all outside interests. I therefore recommend that the Act of September 23, 1919 be further amended so as to forbid the working of convicts in any other than State-owned or leased mines.

The effect of such amendment would be to leave on the hands of the State a large number of convicts without means for their employment. That situation could be met by the lease of coal lands of the University, or the purchase or lease of coal lands more advantageously situated, and the development of mines thereon.

Another way to meet the situation would be to double or treble the size of the State cotton mills and develop other manufacturing establishments. A good start in that direction has been made in the building of a 10,000 spindle mill, a shirt factory and a dye works at the new prison which will give employment to nine hundred men. No other employment will be as remunerative as coal mining, but that fact should not deter the Legislature from the performance of a plain duty. The taxpayers of

Alabama are able and I believe are willing to get along without the use of anything that looks like "blood money."

COAL MINE EXPLOSIONS

It seems impossible to prevent periodical gas explosions in the coal mines of Alabama. The horrible catastrophe which occurred at Dolomite mine, in Jefferson county, November 22, 1922, in which 80 lives were lost and 60 men were injured is a striking and sad reminder of the fact.

The United States Bureau of Mines and eminent mining experts have recently recommended the electric cap lamp as a valuable safeguard against explosions. I am informed the electric lamp is proving successful wherever used and that it is no longer in the experimental stage. Three gaseous mines in Alabama have recently installed this system of lighting. There is no authority vested in the Mine Inspection Department for requiring the mines to adopt this safety device. I recommend that the law be so amended as to make the use of it in gaseous mines compulsory with a suitable penalty for violation of the provisions of the law. I further recommend that all reasonable restrictions of dangerous practices in mines, such as smoking, carrying matches, building fires and the like, be adopted and that every possible safeguard be thrown around the miners while at their work.

PARDONS AND PAROLES

No prerogative of the Chief Executive exposes him to more unjust censure than that of the pardoning power. In my inaugural address I said that I would be slow to disturb the verdicts of the courts and that "when a grand jury, a judge, a petit jury and an appellate court have spoken I should hesitate to interfere with their judgment unless on matters arising after the trial, and then only when I am satisfied injustice has been done."

I confess that it has been impossible for me literally to carry out that determination. Difficult, very difficult, cases are constantly brought to the attention of the Governor and his sympathies are constantly appealed to. He holds in his hands, as it were, the bleeding hearts of thousands to crush or to heal by the utterance of a single word or by the stroke of his pen. And so, can there be any wonder if now and then he commits error on the side of mercy?

Notwithstanding the great difficulties necessarily encountered in the exercise of this power, I am confident that I have not misused or abused it. The following will show the extent to which the power to pardon and parole has been exercised during my term of office:

State Paroles—Issued January 20, 1919 to date, December 7, 1922.

1919	125
1920	141
1921	126
1922	98
Total	490

County Paroles—Issued January 20, 1919 to date, December 7, 1922.

1919	26
1920	26
1921	45
1922	86
Total	133

Pardons—Issued January 20, 1919 to date, December 7, 1922, for the purpose of restoring civil and political rights to ex-convicts who have served their time or had been paroled and made good citizens.

1919	7
1920	16
1921	18
1922	14
Total	55

THE INDETERMINATE SENTENCE LAW

The operation of this law during the past three years has justified its enactment. I call your particular attention to the remarks of the State Warden General concerning it in his report quoted in this message. His suggestion that prosecuting attorneys and trial judges be required to furnish information, such as they possess, relative to the offense committed, mitigating or aggravated circumstances and impressions as to the disposition and character of the felon in all cases of conviction for felony would, if adopted, be of very great assistance to the Board of Pardons and the Governor in the consideration of applications for paroles and pardons. The law now requires such reports from judges where the penalty is five years or over. It should embrace all felony cases and reports should be made by the solicitor as well as the judge.

THE ELECTRIC CHAIR

The gallows as a means of inflicting the death penalty for crime dates back to the period when punishment and torture were synonymous terms. All means of taking human life are abhorrent and it is certain that no perfectly satisfactory means will ever be discovered. It seems, however, in the absence of any satisfactory method the most humane one should be used. Elec-

trocution is quick, sure and painless and even if the first shock does not produce death the victim loses consciousness and dies without pain.

I recommend that an electric chair be installed at the new prison near Montgomery and that all persons sentenced to capital punishment be sent there for execution.

REFORM OF JUDICIAL SYSTEM

My first message to the Legislature contained the following:

"I recommend the creation of a committee of the Senate and House, or a committee of lawyers, not members of the Legislature, to sit during the recess and make a survey of our judiciary system and court procedure and to re-arrange the judicial circuits with a view to reducing the number of circuit judges and courts, if any are found unnecessary. Many judges of circuit courts have not enough business in their circuits to engage more than one-third of their time. Court officials, and all other State officers, for that matter, should work for the State twelve months in the year with reasonable vacations. I can see no more reason for the State paying men full salaries for three or four months' work than there is for private business concerns paying their employees for work which is not performed. Such practice is unheard of in private business."

The committee was promptly appointed but little was accomplished as a result of its labors. I renew the recommendation.

PUBLIC SERVICE COMMISSION

By Acts of the Legislature approved October 1st and 2nd, 1920, the authority, powers and jurisdiction of the Public Service Commission were greatly enlarged, affording the Commission opportunities for real and far-reaching service to the people of the State. Because of dissensions within the Commission, I regret to say, those opportunities have not been embraced to the extent contemplated by the laws and consequently the people of Alabama have not reaped the benefits of this department of the government to which they are entitled. With the change of the personnel of the Commission that will shortly occur, I confidently expect the wisdom of the Legislature in creating the Commission and enlarging its scope of powers and duties to be fully shown.

SECURITIES COMMISSION—BLUE SKY LAW

It is a source of gratification that I am able to say that the State Securities Commission, composed of the members of the Public Service Commission, created by Act of the Legislature, approved October 1, 1920, for the purpose of administering the "Blue Sky Law," has fully justified its creation. The operation of the law has, in my opinion, resulted in the saving of millions of dollars to our people. The total net cost of maintaining the Commission from the passage of the "Blue Sky Law" in 1919 to

October 1, 1922, was \$8,063.53. I quote from a report of the Commission as follows:

"During the year 1920-21 seventy cases, or applications, were by the department investigated, reported on, and hearings had thereon before and decisions rendered by the Commission. The total capitalization of the companies involved in such hearings was in round figures \$27,920,000. The number of applications favorably acted upon by the Commission, and in which permits to sell and offer for sale in this State "speculative securities" were authorized, was twenty (20). Of these, fifteen (15) were conditionally favorably acted upon; that is to say, conditions precedent to the issuance of such permits were imposed by the Commission. This was done wherever the Commission found that such was necessary in order to protect the rights and interests of the investing public. Such applicant companies were required to fully comply with such conditions precedent before permits were issued to them. This is the usual practice of this Commission.

During this year there were received and officially filed with the Commission applications from companies for permits to sell \$5,996,830 of such securities. Of these the total amount authorized by the Commission to be offered for sale in Alabama, including those conditionally authorized, was in the sum of \$4,919,830. The Commission, for one or more of the grounds set forth in section 6 of the Act, refused to issue permits to ten applicant companies, which refused permits aggregated \$1,805,000 of par value of such "speculative securities." There were nine suspensions of permits.

The total amount of property examined, valued and appraised during the year 1920-21 was in the sum of \$15,619,323, and was owned by thirty different companies. These examinations include examinations of legal title.

During the past fiscal year, October 1, 1921 to October 1, 1922, there have been held by the Commission fifty-one hearings of cases, or applications, on all of which written decisions have been rendered. In each instance the department has investigated and reported on the legal and financial organization and plans of the company in question, on the personnel, or officers and directors, and has appraised the physical and intangible properties thereof. The total authorized capital of companies which have officially filed application with this Commission, during the year 1921-22, for permits to sell "speculative securities" in this State is \$48,940,000. The total authorized capital of all companies considered and passed on during this year by the Commission is in the sum of \$65,050,000. The total amount of permits applied for during the year is in the sum of \$7,995,690, not inclusive of contracts of contract loan companies, all of which latter have been refused permits with one exception. The total amount of permits issued by the Commission during the year under consideration is in the sum of \$5,417,550, embraced in fourteen permits. The total amount of permits applied for and which this Commission has denied and refused to issue is in the sum of \$2,578,140, contained in eight applications, not inclusive of the contracts of contract loan companies, above referred to. The department has received, checked and audited seventy-two quarterly reports, showing the financial standing and condition of companies holding permits. The department has investigated and approved forty applicants for agents' licenses, to whom licenses were issued to sell such securities.

There have been nine suspensions of permits issued to companies, by reason of unsatisfactory showings as to their financial condition or by reason of such companies failing to file the full information required. This action stops such companies from lawfully further selling their securities in this State until their financial conditions have been shown to be satisfactory by reports filed with and approved by the Commission.

The department has investigated fourteen alleged violations of law in the sale of securities, or stock, which were deemed by the department to constitute violations of law. Each of these was placed before the circuit solicitor of the judicial circuit wherein the transaction, or transactions in question occurred, together with the evidence in each case. In twelve cases indictments, or true bills, were returned by the grand jury. In two of these cases the defendants plead guilty. In one case, upon trial, conviction and sentence by the court was had. To seven indictments demurrers were sustained. In two cases complaint has been filed with the President of the Commission against companies to which permits had been issued, but which had been by the department suspended. These complaints were heard by the President of the Commission who, after such hearings, made his findings of fact under section 11 of the Act. In each instance the suspended permits were by the Commission cancelled.

It is only within the last ten years that the imperative necessity for such legislation has gradually forced itself upon the minds of the legislative governing bodies of the various states of the American Union and Canada. In England the "English Companies Act" supplies the necessary legislation. In this country, Kansas was the first state to adopt a securities act, or "Blue Sky" law, which was in 1910. Other states have one after another followed her lead, until now forty-three of the states have adopted "Blue Sky" laws. Three of these states have Corporation Commissions, having jurisdiction of the issuance of all corporate charters as well as the issuance of permits, or authority, to sell "speculative securities;" these are Arizona, California, and Oregon. In six states, the personnel of the securities, or "Blue Sky," Commission is, as in Alabama, composed of the members of the Railway or Public Utilities Commission; these states are Alabama, Massachusetts, Nebraska, Minnesota, Virginia and Wisconsin. Massachusetts is the last state to adopt a "Blue Sky" law. It did so after a special commission had investigated and studied the matter for about a year, and adopted the Alabama way of handling it.

In Canada, "Blue Sky" laws have been adopted in the Provinces of Alberta, Manitoba, Saskatchewan and Ontario, the latter having become effective on July 1, 1922.

Ever since there have been "Blue Sky" laws, one of the greatest difficulties encountered by the various state commissions has been in law enforcement in relation to the interstate use by promoters of the United States mails and other agencies of interstate commerce. This difficulty was encountered by the Alabama Commission shortly after its creation. The question was carefully investigated and studied. The Alabama Commission conceived the idea of a national postal regulation, prohibiting the use of the United States mails, etc., in interstate commerce, for the purpose of selling or offering for sale securities in another state in contravention and in violation of the laws of such other state. Later this commission, at the request of the National Association of Securities Commissioners of the United States drew the first draft of the Denison Bill, introduced in the National Congress by Congressman Edward E. Denison, and has actively co-operated in efforts to secure its enactment by the National Congress. This bill has passed the lower house almost unanimously and is now pending in the Senate, with good prospect of an early passage. The bill has, among others, the support of the American Bankers Association, of the Real Estate Mortgage Bankers Association, of the National Association of Securities Commissioners, of the Associated Advertising Clubs of the World, and of the Post Master General of the United States. Its becoming a law is practically assured and will be a long step toward preventing the sale of fraudulent and worthless securities. Its enactment will eliminate the greatest difficulties heretofore encountered by State commissioners in the prevention and control of this evil.

It has been estimated by the Treasury Department of the United States that the people of this country have lost as much as \$5,000,000 annually through the sale of fraudulent and worthless stocks and other securities; and that \$4,000,000 of liberty bonds were taken from purchasers in some of the states of the middle west in a few months in exchange for worthless or doubtful securities that promised larger returns. In 1919 Mr. Louis Guenther, editor of the Financial World, published in the World's Work a list of get-rich-quick promotions whose capitalization exceeded \$3,000,000,000.

The only criticism that has been heard of the work of the department has been as to what some have thought to be delays incident to obtaining the action of the Commission upon applications and the issuance of permits. This in reality can not be taken as a criticism of the work of the department. What appears to be such delay is occasioned by the care with which the department examined and investigated the legal and financial organization of such companies, of the personnel of its officers and directors, of the legal titles to its properties and the care with which the department appraises and values the properties of such applicant companies. Great care must be exercised in doing these things in order to protect the investing public against fraudulent and worthless issues of securities.

The greatest benefit afforded to the people of this State by this law and this department however is not reflected in the applications or cases it has acted upon; it does not in fact show in the figures of this report. The get-rich-quick promoter knows that he can not qualify and obtain a permit, and consequently stays out of Alabama. Were it not for this law, these would flock to Alabama from all over the United States. Mr. James Weatherly, chairman of the legislative committee of the Alabama Bar Association, in his report to the Association on April 20, 1920, stated, in brief, that it was estimated that the effect of this law would be to save to the people of this State annually several million dollars that would otherwise be taken out of this State in worthless and questionable securities most of which would never return; that if the effect of this law was to save to the Alabama investing public only one-fifth of this amount, it would accomplish more good than at first would seem possible. Actual experience shows that the above figures are too low; twice this amount, it is now conservatively estimated, would in fact be more nearly correct.

Unfair competition in business is one of the things which the sound, legitimate business interests of this State and nation have for years actively and vigorously fought against. It strikes at the very heart of sound financial and business conditions. Of all unfair business competition, unsound blue sky promotions, with watered stock, etc., etc., is the most insidious, unfair and difficult for the legitimate business concern to combat.

Any well informed person familiar with business conditions in Alabama prior to November 28, 1919, when the first "Blue Sky" law went into effect, will recall how this State was literally over-run by salesmen of wild-cat, fraudulent or worthless securities. Even now this Commission received on an average of from two to six letters a week from Alabama citizens who purchased such stocks before there was a "Blue Sky" law, who have lost their money and who are now writing this department for assistance in trying to get information concerning the company in whose stock they invested. This is cited as showing a part of the benefit to the people of having such a law. Since the creation of this Commission, all well informed, observant people have noted the marked decrease in the number of such get-rich-quick stock-salesmen, and in the amount of such stock being offered for sale in Alabama. In fact, Alabama, is now practically free from such fraudulent and worthless security offerings, except through the United States mails. This, it is believed, is of much greater benefit to the people of this State than the actual work done by the department, however valuable that may be.

If anything, the effectiveness of the work of the department should be strengthened. This can be done, in my opinion, without increasing additional costs, by providing a simplified form, or forms of indictment for use in prosecutions of law violations. This I would recommend."

WORKMEN'S COMPENSATION LAW

Among the laws passed by the Legislature of 1919 none is more far-reaching in its humanitarian aspects than that of the "Workmen's Compensation Act." This law became effective January 1, 1920, its administration through the Act being placed in the hands of the Director of the Department of Archives and History. There have been reported to the Commissioner since that date and to October 1, 1922, a total of 16,304 compensable cases of injured workmen. The amount of compensation paid to these men by employers and compensation insurance carriers totals \$1,406,972.63. The number of cases adjusted through the circuit courts during that period was 376 with an award value of \$406,961.07.

The above figures refer only to those cases in which the period of disability exceeded two weeks. None of the foregoing figures include medical expenditures, burial and other expenses, covering only compensation.

Under the Act employers working sixteen (16) or more men automatically come under the law unless they elect not to do so. Many of these carry their own insurance without any form of bond while the majority insure their risks by compensation underwriters operating in Alabama.

AMENDMENTS SUGGESTED

Since the enactment of the Workmen's Compensation Law and three years' experience the need for amendments is apparent. The Act should be re-written and couched in language intelligible to all, including the working man himself. A table of specific awards should be tabulated instead of reading continuously as at present, and a section set aside for definitions of the terms used, to be arranged alphabetically. Instead of applying only to employers working sixteen or more employees the number should be reduced to five (5). The coverage of railroad employees should be explicitly defined. The law at present specifically states that it shall not apply to any common carrier (doing an interstate business) while engaged in interstate commerce. At present three railroads in Alabama are reporting accidents occurring to shop men. Thousands of trackmen, section hands, and others are left with no organization to look after their interests in case of accident. Trainmen proper constitute but approximately one-fourth of the total railroad employees, shopmen ex-

cluded. The Act should also clearly define what stevedores and longshoremen are engaged in admiralty activities.

Under the present Act settlements may be made for an amount "substantially" the same as the specific benefits of the Act, which leaves settlements within the discretion of the court. There is a conflict in the same section as to the court jurisdiction in making settlements; in one subsection the authority is fixed in the circuit and another in the probate court. The rights granted to an injured workman should not be waived by any court or individual.

In view of the fact that a number of employers subject to the law are on a precarious financial basis, less favorably situated to install safety devices, and operating a hazardous business, it is highly desirable that some form of bond be required of self-insured employers for the protection of injured workmen in case of financial disasters. In such plants the injured workmen now have no protection whatever.

The Act should be amended making it a misdemeanor and punishable by fine for any employer to charge his insurance premiums against any of his employees. The Act's benefits should be extended to cover occupational disease and disfigurement. When minors are illegally employed and injured in violation of the Child Welfare Act of Alabama the compensation paid by an employer should be increased 100 per cent.

The waiting period under the Alabama Act, or the fourteen days following an injury before compensation begins, should be reduced to seven (7) days, compensation beginning on the morning of the eighth day after the accident and becoming retroactive to the first day of disability upon the twenty-second day after the accident. The workmen's compensation laws of several states in the Union do not allow any lapse from accident to beginning of payment. A number have three days, more still have five, whereas those states that have fourteen days waiting period are reducing to seven days, or less, as fast as their legislatures meet.

The present percentage of payments in non-fatal cases should be increased from 50, 55 and 60 per cent of the average weekly wages to 55, 60 and 66 $\frac{2}{3}$ per cent. The weekly maximums of \$12.00, \$13.00, \$14.00 and \$15.00 should be increased to \$14.00, \$16.00, \$18.00 and \$20.00. The present limiting of dependents in non-fatal cases to "children under 18 years of age" should be changed so as to apply to all persons totally dependent on the injured workman regardless of their relationship, and including the wife of the injured man.

The schedule of awards for permanent partial disabilities should be restated and considerable increase specified. There is

no reason why an Alabama workman should be allowed 50% of his weekly wages for 200 weeks for the loss of an arm, while in New York and other states, the workman is paid 66 2/3% of his weekly wages for 312 weeks. The same discrepancy prevails for other lost members and senses, such as sight, hearing, etc.

In fatal accidents the payments should stop at the remarriage of the widow. The orphans should receive their compensation regardless of their mother's remarriage until they become eighteen years old. In case of the widow's remarriage the compensation payments should be made to the probate judge of the county in which the orphans reside, he becoming custodian of the compensation paid them, such funds to be disbursed at his discretion for their education and benefit.

Under the present Act medical treatment may not exceed sixty days with a maximum expenditure of \$100.00 by the employer. Experience under the law shows that \$100.00 is frequently inadequate, especially where hospital treatment and surgical operations are called for. The present allowance of \$100.00 for burial expenses should be increased. A schedule of physicians' fees should be adopted to secure uniformity throughout the State and a time limit fixed for the presentation of the physician's bill.

At present Alabama has no law requiring the installation of safety devices in industrial plants. Such an amendment should be made to the workmen's compensation law and inspectors provided. The law should call for the services of a law enforcement officer of this State and such other work as the commissioner, in conference with the chief executive of the State, should deem wise looking to the proper enforcement of the law.

All accidents in which an expenditure is made for any reason should be reported to the commissioner within seven days. The present Act affords an opportunity for delaying reports and prevents a prompt review of the case by the commissioner. A penalty should be assessed against every employer who fails to report accidents or submits incomplete reports to the commissioner. Physicians should be required to report to the commissioner every industrial accident treated by him on blanks furnished for this purpose and a penalty assessed for each case of delinquency. Every employer subject to the compensation law, as amended, should be required to register with the commissioner on blanks furnished for that purpose and failure so to register should subject such employer to a fine. Under the present law it is impossible for the commissioner to know whether all employers of the State amenable to the law are reporting or not.

Probate judges, with whom notices of election not to come under the Act, are filed should be required to supply the com-

missioner with duplicates of such notices. The commissioner should be authorized to amend the report blanks now in use and create new ones as the necessity arises.

A very important amendment that should be enacted is a provision that no employer's first report of injury should be submitted to the commissioner through a second party or parties. Any other method than this admits of delay (either willful or not) in the insurance carrier's department and affords a source of uncertainty and annoyance in the analysis of reports.

The Legislature made no specific provision for salaries or expenses for the conduct of the workmen's compensation division, leaving the matter to the discretion of the Governor. The present commissioner has conducted the work during her entire term of office without remuneration and with the assistance of only one clerk, whose salary is paid from the Governor's Contingent Fund. The cost of printing and distributing the accident report blanks, postage, office supplies, etc., has amounted to a total of \$6,126.29, from January 1st, 1920 to October 1st, 1922.

On account of the importance and scope of the work devolving upon the administration of the workmen's compensation law the duties should be performed by a commissioner who has no other official position and an adequate clerical and field force should be provided.

The authority of the commissioner should be increased from the present status of a mere statistician to that of an executive with proper powers looking to the development of the law along the broadest and most useful lines.

ALABAMA MEMORIAL COMMISSION

At the regular session of the Legislature of 1919, an Act was passed creating the Alabama Memorial Commission and appropriating \$10,000.00 for putting on a campaign to raise subscriptions and contributions for the purchase of a site and erection of a building as a memorial to Alabama and Alabamians in the World War.

Pursuant to the Act, the Commission, consisting of several State officials and twelve private citizens appointed by the Governor who is ex-officio chairman of the commission, held its first meeting February 18, 1919, and determined that the form of the memorial should be a building in which should be kept the records and relics of Alabama's part in the great struggle for the preservation of civilization as well as all other wars in which the State had participated, including Confederate records, etc. A campaign was launched which culminated in a State-wide effort for subscriptions ending July 4th of that year. Owing to the fact that private resources had been so heavily drawn upon by the exi-

gencies of the war and the conditions immediately following the armistice, the campaign was deeply disappointing. The commission had set a half million dollars as a minimum cost for a building worthy of the great events which it was to commemorate. The Legislature had authorized an appropriation of \$50,000.00 towards the memorial contingent on the public subscribing \$200,000.00. Voluntary contributions paid into the treasury up to October 1, 1922 aggregated \$50,789.49. The State Examiner of Accounts has found above \$10,000.00 unremitted in the hands of solicitors and depositories which will at the next meeting of the commission be drawn into the treasury. There has been expended for the purchase of a site on which the building will be located, \$35,432.24. There remains on hand unexpended from contributions in the treasury \$15,357.25. The site purchased by the commission consists at the present time of 300x150 feet on Washington street facing the south end of the capitol. The committee on site of the commission is negotiating for additional land which will enlarge this area with the expectation that the entire block will ultimately be purchased for the site of an adequate building. Recognition of the great service rendered by the people of the State in the defense of civilization, and as a just tribute to the 2,000 sons of our State who made the supreme sacrifice, should no longer be delayed. The slow pace struck by the people of Alabama in responding to the call made upon their sense of gratitude is in sharp contrast to the ready, quick and cheerful response of our soldier boys to the call to the colors when the interests of the people were threatened by a foreign foe.

Alabama is one of the few remaining states in the Union that have failed to erect an adequate memorial to the World War heroes. Funds for the prompt completion of the plans recommended by the Memorial Commission should be provided by the Legislature. This tribute should come from the whole people through its taxpayers rather than from a few generous patriots who have made great personal sacrifice to raise the funds with which the site has been provided. The opinion is unanimous from all taxpayers who have expressed themselves on the subject that the State treasury is the proper source from which all further funds looking to the completion of this memorial should be drawn. I, therefore, recommend that this patriotic debt be provided for by an adequate appropriation.

CONFEDERATE PENSIONS

From October 1st, 1915 to January 1st, 1920, the pensioners by law were divided into three classes. The first class included all pensioners, men and women, over eighty years old or totally blind. The second class included all pensioners, men and women, over the age of seventy and under eighty. The third class in-

cluded all pensioners, men and women, under seventy years of age.

The pension fund was divided as follows:

1st class to receive \$25.00 per quarter,
2nd class to receive 20.00 per quarter,
3rd class to receive 16.00 per quarter.

At the July quarter of each year, it was found that the appropriation made was not sufficient to pay the full quarter, consequently the amount actually received by each class per year was as follows:

For year ending September 30, 1915, 1st class received.....	\$91.25
For year ending September 30, 1915, 2nd class received.....	73.00
For year ending September 30, 1915, 3rd class received.....	58.40
For year ending September 30, 1916, 1st class received.....	90.00
For year ending September 30, 1916, 2nd class received.....	72.00
For year ending September 30, 1916, 3rd class received.....	57.60
For year ending September 30, 1917, 1st class received.....	87.50
For year ending September 30, 1917, 2nd class received.....	70.00
For year ending September 30, 1917, 3rd class received.....	56.00
For year ending September 30, 1918, 1st class received.....	87.50
For year ending September 30, 1918, 2nd class received.....	70.00
For year ending September 30, 1918, 3rd class received.....	56.00
For year ending September 30, 1919, 1st class received.....	87.50
For year ending September 30, 1919, 2nd class received.....	70.00
For year ending September 30, 1919, 3rd class received.....	56.00

At the adjourned term of the Legislature of 1919, by an Act approved September 23, 1919, and effective January 1, 1920, all male pensioners were placed in a new class denominated Class A, and were to receive \$37.50 per quarter. For the fiscal year, therefore, ending September 30, 1920, the male pensioners received three quarters at \$37.50 or \$112.50 plus the amount they received in the class in which they were on October 1st, 1919. The widows on the pension roll were by the same Act to be paid what each had received for the year ending September 30, 1919, which was as follows:

1st class received.....	\$87.50
2nd class received.....	70.00
3rd class received.....	56.00

per year, paid as in the previous year.

Under an Act of the Legislature, Special Session 1920, approved October 5, 1920, effective January 1, 1921, the pension roll was ordered revised and all women over eighty years of age or totally blind were placed in first class and were to receive \$25.00 per quarter in full for each quarter or \$100.00 per year.

Second class, all widows over seventy and under eighty years of age were to receive \$20.00 per quarter in full for each quarter or \$80.00 per year.

Third class included all widows under seventy years of age and were to receive \$16.00 per quarter in full for each quarter or \$64.00 per year.

For the two years, therefore, between September 30, 1920, and September 30, 1922, the pensioners were paid as follows:

Class A men	\$150.00 per year
1st class widows under eighty and totally blind	100.00 per year
2nd class widows of age of 70 to 80 years	80.00 per year
3rd class widows under seventy years	64.00 per year

As widows become eighty years and seventy years of age respectively they are advanced to first or second class as the case may be.

The following is the distribution of pension warrants for October, 1918:

2,277 men and women in first class at \$25.00	\$ 56,925.00
5,574 men and women in second class at \$20.00	111,480.00
6,296 men and women in third class at \$16.00	100,736.00
<u>14,147 men and women for this distribution received</u>	<u>\$269,141.00</u>

The following is the distribution of pension warrants for October, 1922:

4,200 all men in Class A receiving \$37.50	\$157,500.00
1,469 all women, 1st class at \$25.00	36,725.00
3,276 all women, 2nd class at \$20.00	65,520.00
2,249 all women, 3rd class at \$16.00	35,984.00
<u>11,194 men and women for this distribution received</u>	<u>\$295,729.00</u>

It will be observed that the average quarterly payment has increased from \$19.02 in October, 1918, to \$26.40 in October, 1922, which is more than 38 per cent.

OLD SOLDIERS' HOME

The home for Confederate veterans has been the object of special care during this administration. The buildings have been thoroughly renovated, painted and made very comfortable. The roofs have been repaired, but they will need recovering within the next two years.

The Legislature of 1919 increased the maintenance allowance from \$150.00 per annum per inmate to \$210.00 and the special home allowance from \$1.00 per month to \$4.00 per month.

At the special session of 1920 the maintenance allowance was increased to \$300.00 per annum for each inmate and the special home allowance to \$5.00 per month.

It will be seen that the appropriations were doubled during the four year period. The allowance is ample for the proper maintenance of the old soldiers but it is not a dollar too much.

For full details see report of Board of Control and Economy.

CHILD WELFARE DEPARTMENT

Your predecessors responded promptly to the call made upon them for protection to the children of the State, who through poverty, neglect and unfortunate environment are deprived of opportunities for education and proper development. By act of the Legislature, approved September 25, 1919, the Alabama Child Welfare Department was created, with an annual appropriation of \$12,400.00 for its maintenance. At the special session of 1920 the appropriation was increased to \$30,000.00 per annum.

The department under the very able direction of Mrs. L. B. Bush has achieved wonderful results with the meagre funds at its disposal. The appropriation is utterly inadequate for the prosecution of the work that lies immediately ahead. I recommend that the appropriation be increased to not less than \$100,000.00 per annum.

This is a work of such vast importance and far-reaching consequences to the neglected, helpless and friendless children of Alabama that I am quoting the full report of the organization and operations of the department for the period from December 5, 1919, to September 30, 1922, earnestly commending it to the careful consideration of your honorable body and heartily endorsing the recommendations embraced therein:

"What the responsibility of the State, as a commonwealth, is toward disadvantaged children within its confines—potential citizens deprived of opportunities for education and development by reason of poverty, neglect, insufficient guardianship, and improper surroundings—has not received the amount of consideration by the citizenship of Alabama which it deserves. Nevertheless, the Legislature of the State has, from time to time, indicated a profound interest in the subject and a sincere willingness to meet the needs when those needs have been made known to it. Many valuable laws designed to prevent the exploitation of children and to preserve to them their natural rights are on our statute books. Also, the Legislature has provided institutional care for a certain percentage of the State's delinquent children and its mentally and physically defective, but the State per se, until four years ago, made little contribution toward a plan for prevention of dependency, neglect and delinquency or toward a plan of reconstruction of weak or broken family units.

The State Child Welfare Department, established by the Legislature of 1919, is fundamentally an agency founded on the principles of prevention and reconstruction. The department is closely related to that of health and education, yet distinctive and differentiated in that it is primarily a social agency with social functions. The Act establishing the department provides a State Child Welfare Commission to direct its activities. The commission is composed of the Governor of the State, the State Superintendent of Education, the Chairman of the State Board of Health, and six members with varying terms appointed by the Governor.

The present membership is as follows: Hon. Thos. E. Kilby, Chairman; Dr. John W. Abercrombie, State Superintendent of Education; Dr. S. W.

Welch, Chairman State Board of Health; Mr. Lee Bidgood, Miss Elizabeth Fonde, Mrs. W. L. Murdoch, Hon. S. D. Murphy, Hon. W. T. Murphree, Mr. Lawrence H. Lee.

The Act was approved September 25, 1919; the commission held its first meeting in the office of the Governor December 5, 1919. A director was elected. The Act establishing the department was read at length and rules for the government of the commission and the department were adopted. An executive committee of three members, of which the Governor is ex-officio chairman, was appointed to have necessary general control of all work during the period between the meetings of the commission,—as for instance, the approval of staff members nominated by the director and the fixing of their salaries and other expenditures.

The duties of the State Child Welfare Department briefly are as follows:

To devise plans for and have general supervision over all social work in the State for children;

To advise with the judges and probation officers of the juvenile courts of the State and to encourage and perfect the work of such courts;

To issue permits, or certificates of approval, to orphanages, maternity hospitals, lying-in homes, child-placing and home-finding agencies, and all other institutions receiving and caring for children, and to revoke such permits for cause;

To inspect and prescribe standards for all child-caring institutions and agencies, both public and private;

To require reports of all institutions and agencies and juvenile courts;

To enforce the State child labor law;

To make surveys and to hold conferences and conventions for the purpose of promoting an interest in welfare work for children;

To solicit and receive donations of money and other things of value to be used in the support of the work of dependent, neglected and delinquent children;

To place children in family homes or in institutions caring for children and to supervise such children however placed.

Adoption of Policies.

Careful study of the Act creating the department revealed the fact that a wide variety of duties relating to children would have to be undertaken. Substance of laws, methods of procedure, and policies of administration had to be worked out. Although many changes in program have been made from time to time, the same general policies adopted in the early weeks of its organization have been closely followed.

Plan of Work of Department and Staff.

At the beginning, the staff was limited to the director and a secretary, one field agent and one child labor inspector. A second child labor inspector was added early in 1920 and an institution inspector was taken on later in the year. Early in 1921, after the increased appropriation was received, there followed a general reorganization of the staff.

In discharging the duties prescribed by law, the members of the Child Welfare Department found themselves helpless in the matter of providing means for the care of children left destitute and homeless by reason of poverty, neglect, dependency and other causes, because there were no funds for child care. The provision of the Act relating to child care simply could not be undertaken. The Alabama Children's Aid Society, a State-wide home-finding society, raising its funds by private subscriptions, was found to be doing excellent work and among its directors were some of the members of the commission. It was agreed, therefore, by the commission that the field agent of the Child Welfare Department should be detailed to serve as financial secretary for the Children's Aid Society, raising funds for child care. The department thereupon assumed the responsibility of education and or-

ganization, of promoting better standards in all agencies and institutions engaged in child care, of gathering statistics relating to needy, disadvantaged children, of advising with judges of juvenile courts, and of enforcing the State child labor law, but not undertaking children's aid work nor engaging in home-finding and child-placing. In turn, for the assistance received in the person of financial agent to raise funds from the public, the Children's Aid Society agreed to take over for the department all destitute cases, particularly placeable, homeless children, where the department should fail to find or develop local or State agencies to give the individual type of care needed.

This co-operative plan of work between the two agencies continued for almost three years. In the meantime, more and more financial assistance on the part of the department was extended the society because of the extreme and urgent needs throughout the State. In the spring of 1922, the directors of the Children's Aid Society proposed to the Alabama Child Welfare Commission that the department take over the work of the society, declaring they believed the system of child care built up by the two agencies working together had come to be recognized by the people as a sound and fundamental part of the State's conservation program. The directors said further:

"Our sole purpose in striving for the taking over of the State-wide work of the society by the State of Alabama, officially, is that the work which we have started and built up privately may be enlarged and made more efficient and permanent by its acceptance at the hands of the State as a fundamental function of the commonwealth."

On October 1, 1922, the headquarters of the Children's Aid Society was moved to Montgomery, sharing offices with the State Child Welfare Department. By agreement between its directors and the State Child Welfare Commission, all activities heretofore carried on by the agents of the society are now carried on by the field workers of the department. The funds raised from the public are expended in the finding of normal homes for orphaned and needy children in Alabama, and in extending individual care in many cases,—as for instance, prisoners' destitute families, crippled children in families too poor to afford hospital treatment and in hundreds of other matters surrounding abandoned, homeless, orphaned, neglected, cruelly treated and needy children in Alabama.

The present personnel of the department consists of: The director, one supervisor of children's cases brought into the courts and general supervisor of child-placing by the department, three case workers, one institution inspector, one extension secretary and an assistant, two child labor inspectors, four office assistants.

Administration.

For the purpose of administration and organization the work of the department is divided into four bureaus, namely, the Child Labor Division, the Institution Division, the Juvenile Court Division, the Children's Aid Division. In addition to these general lines of work, the department issues bulletins and promotes interest in child welfare work by means of public addresses before clubs, associations, schools and other public organizations.

Child Labor Division.

The work of the Child Labor Division consists of the enforcement of the State child labor law and, until the Federal child labor tax law was declared unconstitutional, its provisions were also enforced by this department. The duties involved are:

(1) To make inspections of all establishments in the State where children under 16 years of age are employed or are likely to be employed in order to see:

That employment certificates are filed for all children between the ages of 14 and 16 (thus indicating their legal qualifications for entering industry);

That children under 16 be not permitted to work more than eight hours a day, nor more than forty-eight hours a week, nor before the hour of 7 o'clock in the morning, nor after the hour of 7 o'clock in the evening;

That children under 16 be kept out of occupations where life, limb or morals might be endangered;

That sanitary conditions of establishments where children are employed are so regulated as to safeguard the health of the children;

That the law and hours of work are posted as provided in the statutes.

(2) To supervise the issuance of employment certificates by superintendents of schools according to the procedure outlined by law and only to children who have met the age, educational and physical fitness requirements of the law.

The new law enacted in 1919 and the transfer of the administrative authority from the Prison Inspector to the Director of the Child Welfare Department, the lapse of three months from the time of this transfer to the organization of the department, the enactment of a new compulsory education act by the Legislature and the Federal child labor law by Congress, resulted in untold confusion. There was an immediate necessity for clearing up this confusion in the minds of school people, of employers, and of parents. A publicity campaign, explaining the three measures, was undertaken and followed up by the reorganization of the entire certificating system. There was a keen realization of the fact that heretofore hundreds of children under 14 years of age had qualified as 14 and left school, receiving no further education, and that if certificates to leave school and enter industry should be issued only to children actually 14 years of age, to children who had completed the 4th grade at least as prescribed by law, and to children who were physically fit for the jobs they would undertake, as also prescribed,—that this would mark the greatest step ever taken by the State in protecting children and preventing their exploitation. With this end in view, the entire certificating system has been completely reorganized. It has involved not only close co-operation and supervision of the work of the issuing officers (the superintendents of schools), but further investigatory visits to homes of children in order to determine that the evidence of age submitted is in accordance with law. Documentary evidence of children's ages in Alabama is not readily found and some parents are unscrupulous in making affidavits concerning the ages of their children when they desire them to leave school to go to work.

Routine inspections of all establishments in the State employing children have been faithfully carried on. Corrections have been made and in cases of flagrant violations, prosecutions have been brought.

The section of the child labor law relating to street trades prohibits girls under 18 from engaging in any work on the streets. It provides that boys ten years of age and over may distribute papers in residential sections of cities, but only boys 12 years of age and over may sell on the streets down town. In either case, a boy must have a badge furnished by this department and issued by the superintendent of schools, which badge constitutes his license and indicates that he is a regular attendant at school and that his school record is satisfactory. The law prohibits his selling before 5 o'clock in the morning or after 8 o'clock in the evening or at all during school hours. The enforcement of this clause was at first one of the most difficult tasks of the division because the public has so long maintained an illogical and sentimental idea that some great men have started life as newsboys. Little does it realize that these men merely represent a very small survival of the fittest. It has lost sight of the thousands of boys who have played truant from school or stayed on the streets late at night where they have acquired knowledge and habits which have led to their destruction. Knowing that an aggressive method of enforcing the street trades clause should never be adopted until it is backed by public sentiment, a careful study of hours, earnings,

and of general effects of street trades on children engaged in selling and distributing newspapers was made in the three large cities and in some of the smaller towns. As a result of these studies, the department won a very splendid co-operation from the newspapers of the State. The members of the Child Labor Division, assisted by local attendance officers and probation officers and heartily supported by the circulation managers of the largest papers of the State, have been marvelously successful in enforcing this section of the child labor law. The department feels a very keen sense of appreciation for the manner in which the owners and publishers of newspapers throughout the State have accepted the measure as one of great worth, and for the assistance they have lent in its enforcement.

Likewise the attitude of all the textile industries, with one or two exceptions, and most other manufacturing establishments, has been one of friendly co-operation in observing the provisions of the law. The greatest trouble has been found in the establishments of small employers where children come and go willy-nilly, substituting as delivery boys or grocery clerks and in other ways for higher priced labor. These boys, while earning a small amount, contribute little or nothing to the family income, yet often fail, because of the job, to make their grades in school.

The following table shows the number of inspections made during the period covered by this report:

	1919-20	1920-21	1921-22	Total
Number of manufacturing establishments inspected	403	608	612	1,623
Number of inspections of miscellaneous establishments	933	2,162	1,847	4,942
Total number.....	1,336	2,770	2,459	6,565

The total number of violations found and corrected are as follows:

1919-20	1920-21	1921-22	Total
448	849	681	1,978

The total number of children, 14 years to 16 years, inclusive, checked for the three years in all occupations are as follows:

1919-20	1920-21	1921-22	Total
1,224	2,097	1,873	5,194

During the first two years the educational requirement of the child labor law was only 120 days' school attendance during the previous year or the completion of the 4th grade. This provision of the law is so written that on and after Sept. 1, 1921, only the completion of the 4th grade can be accepted in issuing certificates. Duplicates of all certificates issued are required to be filed in the office of the Child Welfare Department. A study of these for the period covered shows the following facts regarding grades completed by children leaving school to enter industry:

1919-20	
No grade completed	30 %
1st grade completed	1 %
2nd grade completed	1 %
3rd grade completed	3 %
4th grade completed	7 %
5th grade completed	20 %
6th grade completed	15 %
7th grade completed	12 %
8th grade completed	11 %

100 %

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JOURNAL OF THE HOUSE, 1923.

1920-21

No grade completed.....	½ %
1st grade completed.....	½ %
2nd grade completed.....	1 %
3rd grade completed.....	4 %
4th grade completed.....	12 %
5th grade completed.....	31 %
6th grade completed.....	20 %
7th grade completed.....	17 %
8th grade completed.....	14 %
	100 %

1921-22

4th grade completed.....	30 %
5th grade completed.....	26 %
6th grade completed.....	18 %
7th grade completed.....	13 %
Number entered high school.....	13 %
	100 %

The large percentage in the first table may or may not indicate that no grade really had been completed because if the child had attended school 120 days during the previous year, the issuing officer often failed to require further evidence of schooling. As the department encouraged the practice of requiring correct school records, the reports took on a different aspect. The reports of 1920-21 and 1921-22 cover certificates accurately issued. It is interesting to note that each year a large number of children complete the 5th, 6th and 7th grades. It would appear that Alabama might well afford to raise the educational requirement of children who leave school at 14. The number of children leaving and entering industry in 1920 is shown to be less than those leaving in 1920-21. This may be accounted for by the fact that the first year the department was in actual operation only nine months and records were necessarily incomplete. In 1921-22, however, the number of children employed is less than the number of 1920-21 by 224.

Institution Division.

The Act establishing the Department of Child Welfare provides that it shall be the duty of the department to issue permits or certificates of approval to orphanages, maternity hospitals, lying-in homes, child-placing and home-finding agencies and all other institutions receiving and caring for children and to revoke such license for cause; to inspect and prescribe standards for all child-caring institutions and agencies, both public and private; to require reports of all institutions and agencies.

An institution inspector was not employed until April 14, 1920. The fiscal year ended September 30th. The most that was done in connection with recognized institutions during this period was that of friendly visits, at which time, the law was carefully explained and the services of the division offered the institutions in the development of their programs.

There are in Alabama 12 institutions, receiving and caring for children, which are supported and controlled by churches and fraternal organizations; five detention homes for the juvenile courts of Jefferson, Montgomery and Mobile counties; 1 municipal home; 3 maternity homes which care for small children as well as for maternity patients and infants; and a number of so-called emergency homes receiving children. There was one child-placing and home-finding agency maintaining some 12 or 15 boarding homes for children, but this agency, the Alabama Children's Aid Society, is now a part of

the State Child Welfare Department and these homes are continued by the department.

The division has never undertaken any work in connection with the institutions for the deaf, dumb, and blind, but has from time to time rendered whatever service it could to the State institutions for delinquent boys and girls. In September, 1922, the institution agent was loaned to the State Training School for Girls for a month for the purpose of helping in the reorganization of this institution after it was moved into its new quarters.

One of the first matters of interest coming to the attention of the department was that of a maternity home maintained for unmarried girls which boldly advertised that adoptions could be "arranged." Investigation by the department revealed the fact that "arrangement" meant a large fee from the unfortunate mother, in some instances so large in comparison with her wage-earning ability as to hold her practically in bondage. Some of the children placed by this institution were found to be in the most undesirable surroundings.

One of the first steps taken was to prohibit child-placing by refusing to license institutions not living up to the standards. A case in point revealing the need of supervision:

This department was less than two months old when attention was called to an infant born in a maternity home and deserted. The matron of the home presented the child as a gracious gift to a woman who called and said she would like to adopt it. Investigation by us revealed the fact that the woman's husband was in prison; that the woman herself was a morphine addict; soon the child was found ill, even prostrate, from overdoses of paregoric. The court accepted our recommendation and the baby was committed to the Alabama Children's Aid Society. The society employed the best physician possible and carefully nursed the child back to health. Today she is a beloved daughter in a good Christian home, the pride of her foster father and mother.

1920-21.

The first round of inspections and visits brought to light the fact that in some instances children were being received without sufficient inquiry having been made into their past history, their family connections, etc. In some institutions, children were passing out without sufficient investigations and their whereabouts and the conditions under which they were living were often lost sight of. Records were regarded lightly sometimes, only a few institutions having careful record-keeping systems installed.

The law provides that "it is hereby made the duty of public and private reformatories, correctional and child-caring institutions, all orphanages, maternity hospitals, lying-in homes, or other institutions having or exercising jurisdiction or control of, or over, dependent, neglected, or delinquent children, to make such reports to the department, and at such time, as may be required by its rules, including the extent and source of income, cost of maintenance, number of inmates, and upon all such other objects as may be demanded. All reports provided for in this and the preceding section shall be upon blanks and forms provided by the Child Welfare Department." Rule 9 of the Rules and Regulations adopted by the Board on December 29 provides that "On or before the tenth of each month, every orphanage, or other child-caring institution, shall make a full report to the State Child Welfare Department of all admissions, discharges and deaths that occurred during the preceding month." Blank forms for the use of applicants and the reporting of admissions and discharges to the department, together with other necessary forms to be used in keeping records, were furnished in this

year to all the institutions in the State and monthly reports of admissions and discharges, together with other information, were required.

Studies of income and outgo, of all records, care of buildings, sanitation, diet, discipline, school work, clothing, medical care in practically all institutions in the State were made during this year. These studies were submitted to the boards of directors and many changes and improvements which were recommended were immediately undertaken. Stressing the need of co-operating more closely with all agencies in the community and the state, particularly the juvenile court, and especially in the matter of building broken homes and supporting weak homes, the inspector showed in her studies that 40% of the children in the institutions during this period were there because of abandonment by the father, the mother, or both.

1921-22.

The third year of the department's existence has been marked by the friendliest sort of co-operation between the institution division and the leading child-caring institutions of the State. Each institution has been visited at least twice during the year and plans for work studied. Suggestions and recommendations made by the division have been complied with and in turn the division has rendered all the assistance it could to institutions. Cases in point:

One orphanage placed a little 12-year-old girl in the home of a good man remote from the railroad, and requested our visitors to supervise the placement. This home has been visited from time to time and the foster parents assisted with their problems.

The foster parents of a little boy placed for adoption in a far distant state by an orphanage requested that the orphanage send for the child as they no longer wanted him. Investigation by child welfare workers in that state revealed the fact that the child had been placed in a most undesirable home. The department brought the child back to Alabama and returned him to the institution which had assumed his care in the first instance.

The Child Welfare Department has employed an institution inspector, a woman of very large training and experience in social and particularly institution work in many parts of the country. It is the purpose of the inspector to co-operate with the institutions of the State in a most friendly, helpful way and to spare no pains to bring about the best returns possible to the child. She is prepared by long experience in finance to go into the matter of business systems, to assist in building plans, and in working out budgets. By experience, also, she is prepared to assist in turning all resources of the institutions, such as farms, etc., to contributing means to child care. Systematic work in building up a balanced diet will be undertaken. Income and outgo of children will be carefully investigated and followed up wherever possible, and the institutions will be encouraged to place in good private homes young children without family ties.

Juvenile Court Division.

The duties of the State Child Welfare Department with reference to the juvenile courts of the State as prescribed by law are as follows:

To advise with the judges and probation officers of the juvenile courts of the several counties of the State and to encourage and perfect the work of such courts throughout the State.

To exercise general supervision over the administration and enforcement of existing laws governing apprenticeships, adoptions, and child-placing agencies.

Jefferson, Montgomery and Mobile counties have special juvenile court acts. The general juvenile court bill, enacted in 1915, applies to the remain-

ing 64 counties and provides that the judge of probate in each county shall be ex-officio juvenile judge. It also provides for the appointment by the judge of an advisory board of not less than ten nor more than 15 members made up of interested citizens of the county. The judge and advisory board are authorized to appoint probation officers for the service of the court, and fix their salaries, in agreement with the Boards of Revenue or Courts of County Commissioners. These county finance boards are authorized to pay such salaries and such other expenses as may be incurred out of the general funds of the county. Under the terms of the act, all neglected, dependent, and delinquent children under 16 years of age, or children under 16 having insufficient guardianship, or being in immoral surroundings may be declared wards of the State by the court and placed under probation or committed to agencies and institutions prepared to receive them. A companion act known as the Desertion or Non-Support Law is administered by the juvenile courts of the three cities and by the probate courts of the other counties.

The compulsory school attendance law of the State provides:

"Section 5. The county board of education shall arrange the county exclusive of cities into one or more attendance districts, and the said board shall appoint an attendance officer for every district created, who shall reside in the district and who shall hold his office at the will of the county board of education, and the board of education of each city of two thousand (2,000) or more inhabitants, shall appoint one or more attendance officers to serve at the pleasure of the appointing board, provided that this article shall be so interpreted as to make it possible for city and county boards of education, boards of revenue and courts of county commissioners to jointly employ any person or persons to carry out the provisions of this article and such additional duties as may be assigned them by such boards or governing bodies, in connection with the juvenile court of the county or the State Child Welfare Department.

It can readily be seen that there is present in Alabama available legal ways and means for the protection of children. The organization of social work in the counties has been made a basic part of the developing of field activities of the Child Welfare Department. Few counties, however, have availed themselves of the opportunities afforded. Many have not come to realize the needs, being satisfied, apparently, with the commitment of needy children, whether abandoned and dependent, neglected, or delinquent, to the State "reformatories" or other institutions. A lack of finances to carry on the organization has been the plea of most counties.

The juvenile court is fundamental to a county organization for child welfare; probation officers are fundamental to the court. Without the court and without trained workers as probation officers little constructive work can be hoped for.

It has become very generally recognized that practically every school attendance problem involves a family problem, hence it is desirable to appoint joint-attendance-probation officers, when feasible.

Covington County.

In 1920 the agents of the department were called to Covington county to assist in working out problems surrounding 14 children who were found to be delinquent in some instances as a result of immoral surroundings and in other instances, neglected and dependent. Following our investigations, the county juvenile court was organized and a splendid probation officer employed. One year later (1921) the County Board of Education appointed the probation officer also school attendance officer, furnishing transportation (automobile) and expenses. The work of this county, we believe, compares favorably with that of any rural county in the country. For the fiscal year 1921-22 not a single child was committed to the State Training Schools. Dependency and neglect, delinquency and non-attendance at school were

during this period taken over by the probation officer, assisted by agents of the Child Welfare Department, and Covington county preserved to itself its potential citizens in need of the county and State's care. The non-support law was invoked in 13 cases during the year.

Etowah County.

Early in 1920, Etowah county organized its juvenile court and funds for the salary of the probation officer together with expenses are shared by the County Court of Commissioners and the three municipalities of the county. Child welfare work which is a credit to the whole State is carried on year by year in this county. Before the organization of the county work and the employment of probation officers, this county had a record for an unusually large number of commitments to the State institutions. In 1921-22 the number was reduced to a total of 18.

Mobile County.

Early in 1921, two workers of the Child Welfare Department went to Mobile for the purpose of making a survey of the work of the agencies and institutions doing child welfare work. The juvenile court was found too badly housed and equipped for its work. It was not receiving the proper and necessary co-operation from city and county officers, school authorities, and public and semi-public organizations. There was a distinct lack of appreciation of the real function of a juvenile court evidenced by a majority of attorneys that appeared before the court. Likewise the judge and the judge of the circuit court seemed not to be always aware of the protective principle upon which the institution is founded. The volume of the work and the inadequacy of the staff made real probation work impossible although the investigations were well above par.

A report of the survey was made to the Juvenile Court Commission of Mobile county. It was given consideration. A new judge and new chief probation officer were elected. The City Commission assigned to the court the services of a plain clothes man of fine presence, pleasant address, and unusual tact. The court requested the department to lend an agent for one month to assist in reorganization. The request was granted. The situation is now full of promise but Mobile county must secure a revision of her juvenile court law in order to fully protect its children.

Montgomery County.

Montgomery county, assisted by members of the Child Welfare Department, secured the enactment of a special juvenile court act in 1920. The staff is entirely inadequate. Real probation work is, therefore, impossible.

Jefferson County.

Jefferson county secured the enactment of a new juvenile court bill in 1919 and maintains one of the best juvenile courts in the South. The County Board of Revenue and the City Commissioners of Birmingham make generous appropriations in support of its activities.

Other Counties.

No other counties have full-time probation officers. The counties visited have so far declared themselves unable to appropriate funds necessary to the employment of probation officers and other necessary expenses of the court.

The department has lent itself to the service of the courts in all matters relating to children. A case in point: The judge of a county wrote for blank forms (and directions) for committing a lad to the State Training School for Boys. His request was answered in person. Investigation showed that the child was not delinquent—only neglected and therefore in need of a different type of care.

At best, the State Training Schools can scarcely receive the number of boys and girls actually in need of the care and training which these schools

are prepared to give. The department discourages the commitment of other than delinquents to these institutions.

In 1919-20 workers of the department visited 26 counties in the interest of children; in 1920-21, 24 counties; in 1921-22, 38. In some of the counties where we have not been able to go there has been correspondence concerning children's cases and fine co-operation from the judges.

In 1921-22 blank forms for reporting by judges to the department children's cases and cases of desertion and non-support were furnished the judges. No effort was spared to secure complete reports, but only 27 judges reported regularly, as prescribed by law; 20 reported in part; 10 not at all.

The following table shows numbers and classifications reported:

1921-22	
Dependent and neglected.....	854
Delinquent	2,160
Unclassified	18
Adoptions	193
Apprenticeships	4
Adults contributing to dependency, neglect, and delinquency.....	152
Non-support	702

(One county reports 11 apprenticeships in three years.)

The department feels keenly the need of amendments to the juvenile court law of the State (suggestions attached hereto). Possibly the most outstanding need is the repeal of the provision regarding advisory boards and the enactment of a clause providing child welfare boards in each county with authority to promote and develop the court and other agencies for child welfare.

Children's Aid Division.

The work of this division is in reality an extension of the juvenile court division. As has been shown, the Child Welfare Department sponsored the work of the Alabama Children's Aid Society (the only home-finding agency in the State) three years, and finally took over its entire activities. It may clearly be seen that response to a county's call for assistance in a child's problem necessitates interviews with the juvenile judge and commitments by him of those children accepted by the society. (Unlike juvenile court laws in some other states, Alabama's law provides that dependent and neglected children as well as delinquents may be declared wards of the State.)

During a period of 18 months including the year 1920, the Children's Aid Society received (and assisted) 848 children from 46 counties, placing 101 in foster homes. In 1921 the society received 944 children from 51 counties, placing 177 in foster homes. In 1922 (to October 1) the society had placed 150 children.

The Children's Aid Society has spent on an average \$65 per child per year (exclusive of salaries of workers). In the language of the former superintendent.

"The broad social and moral values behind this service to the State we cannot compute. Some conception of the broad sweep of these activities can be had, however, by viewing its negative aspect. Over 2,000 children have been kept out of the institutions of the State. This represents a saving of approximately a half million dollars in actual monies. On the other hand, these 2,000 children have been directed through the normal channels of family life to the threshold of useful and successful citizenship."

In addition to the children served by the Children's Aid Society during the last fiscal year, the department has been called to the relief of 43 children in almshouses, of 143 children of 37 State convicts, of 389 children of miscellaneous classifications, and of 42-maternity cases. The condition of

64 other adults was investigated and in most cases, as children were involved, plans for relief were worked out or discovered.

The ultimate aim and purpose of the Child Caring Division and of the whole department is not that its services be merely remedial or palliative, but rather that of mending weak or broken homes and finally raising the standard of family life.

RECOMMENDATIONS FOR LEGISLATURE

The law establishing the Child Welfare Department has received condemnation from social workers, educators, and other prominent men and women in quite a number of the states of the Union. We are proud of the legislation of 1919, however, three years of experience of administering this law have made evident the necessity for certain amendments in order to achieve the purpose contemplated in the original Act.

It is commonly agreed by those who have given attention to the situation in Alabama that the State-controlled institutions for dependent and delinquent children should be under the supervision of the State Child Welfare Department upon the same terms as the private institutions in the State. We likewise feel that the State institutions for blind and deaf children (and for crippled, epileptic, and mentally inferior children, when such institutions shall have been established) should be under the supervision of this department, as in South Carolina, with the understanding that the educational work of these institutions be under the direction of the State Department of Education.

It is the custom of the department to issue permits to institutions for a period of one year only. It would probably be advisable to have the law state that a permit is to be issued for a period of not more than one year.

Protection could be afforded a larger number of children if the law would clearly define the terms "maternity hospital," "lying-in homes," and "boarding home for children," and would define the functions of such institutions and the conditions to be met before a permit could be granted to them.

The law should be so amended as to confer upon the Child Welfare Department in specific terms, the authority to accept legal guardianship of children.

The department should also be authorized to develop a bureau of probation and parole which would have supervision of all probation and parole officers in the State and which would assist in the development of juvenile courts. The chief of this bureau should be constituted chief probation officer for the State and he and his assistants should be given all the powers of a probation officer in any county in the State.

The department should be authorized to develop a bureau of child study and to establish and co-operate with clinics for the psychological study of dependent, neglected and delinquent children.

At present anybody, fit or unfit, can adopt a child by going before the probate judge and going through certain formal procedure. The law should be so amended as to prevent any probate judge from issuing a decree of adoption of any child until the Child Welfare Department, through its regularly constituted machinery, shall have signified its approval of the home applying for the child, also, its approval of the child as being a proper subject for adoption into a family home. The department should be required to make investigations in such matters, either through one of its own employees or through some other agency or worker who has a permit or certificate from the department, within thirty days after receiving the request from the probate judge.

Confusion, duplication and misunderstanding could be avoided by conferring upon the Child Welfare Department authority to pass upon appli-

cations for charters of all institutions subject to permits at the time such applications are filed with the Secretary of State.

In order to maintain the unity and efficiency of child welfare administration, juvenile courts should be forbidden to commit any child to any private institution which does not hold a permit from the Child Welfare Department.

Because the law does not make it a misdemeanor for persons or institutions not holding permits for homes for children nor put any limitation upon the bringing of children into the State for purposes of adoption or permanent custody, numbers of children from other states have been taken into Alabama homes where they are not subject to any supervision by the Child Welfare Department and where they are not under the jurisdiction of any court. It is easier to disapprove a home as a place for a child than it is to establish in court the unfitness of that home. The consequence is that some children have in this manner been placed into some homes that are decidedly unfit. The law should be amended in this respect.

Because no act prevents it, any person or organization can, without holding a permit from the department or even without operating an institution, solicit funds for the maintenance of the real or fictitious work of such person or organization. This should be prohibited by providing that no person or organization not holding a permit from the department can solicit money for child care.

In line with this last suggestion, the department should have the duty of certificating all probation officers of the juvenile courts of the State and no court should be allowed to employ a probation officer who is not certificated,—provided that the department may issue temporary certificates for definitely stated periods, and provided, further, that this provision shall not apply to probation officers who are actually employed at the time of the passage of this enactment.

The department should be charged with the authority and duty of supplying courts with lists of approved applicants for the position of probation officer and of supplying the State institutions for delinquents with lists of approved applicants for the position of parole officer. It should also be the duty of the department to furnish to the courts uniform, model blank records for the use of probation officers both in court procedure and for making monthly reports to the department.

The department should be required to file with the Governor and the Secretary of State, each, a formal report covering the quadrennium closing with the fiscal year next preceding the regular session of the Legislature.

A larger appropriation for the department should be made.

The juvenile court laws applying to 66 of the counties of the State are laws that are enforceable and that go far toward the protection of children. The local law applying to Mobile county is very weak in many respects. This law and those applying to Jefferson and Montgomery counties should be repealed by a general law applying alike to every county in the State, except that provision should be made, on the basis of population, for more intensive and extensive organization in the larger counties.

In this general juvenile court bill we would like to see it provided:

That the juvenile court be given jurisdiction in matters of children who are employed in violation of the child labor law or not in attendance at school as required by the compulsory education law.

That the number of probation officers for any juvenile court be determined by the judge of the court and his advisory board (or the county child welfare board, if established).

That the law instead of providing a rigid salary for probation officers in any court allow some range of discretion to the judge and the advisory board (or the county child welfare board, if established).

That the right of transfer from the juvenile to criminal courts be restricted to children charged with crimes which, in cases of adults, will be punishable by death or life imprisonment.

That jurisdiction of children may be transferred from one juvenile court to another within the State. (If possible, it would be advantageous to arrange a similar transfer with courts in other states.)

The temporary detention in private homes, when approved by the judge of the juvenile court, shall be a valid charge against the county.

That jurisdiction of any child shall pass from the court to the State institutions for delinquents upon commitment and delivery of such child.

That State institutions for delinquents shall not release any juvenile ward without first securing the approval of the court which made the commitment, provided that this restriction shall in no wise limit the authority of the Governor.

That probation officers shall be reimbursed for reasonable actual expenses incurred in making services and investigations and in transporting and caring for court wards when such accounts are approved by the judge of the court.

That the expenses incurred by the juvenile court or its officers in the discharge of duty shall be made preferred claims against the county.

That when the judge shall certify the necessity the county board of revenue or the court of county commissioners shall provide typewriters and office supplies as well as equipment.

That dockets for juvenile cases shall be kept separate from dockets for cases of non-support and desertion and cases of contributing to the delinquency, neglect, and dependency of a child. (This prevents the recording of the name of the juvenile in the same book with an adult criminal.)

That referees may be appointed by the court—women to hear girls' cases—at the discretion of the court.

That no girl's case may be heard in court unless a woman of good character be present in the capacity of friend to the girl.

That girls shall be accompanied by a woman when being transported by order of the court except that male officers, who are certified by the Child Welfare Department, may transport such girls.

That no person in this State other than parents or near relatives may assume the permanent custody, care or control of a child under sixteen years of age, unless authorized to do so by an order or decree of a juvenile court of chancery jurisdiction in this State.

That some form of examination and certification be devised for probation officers and candidates for probation officerships.

That the clerk of the juvenile court be authorized to sign all court papers except those partaking of the nature of judicial action.

That the judge be authorized to appoint any probation officer clerk and any other probation officers deputy clerks of the court.

That wherever possible such children as are committed by the court to family homes shall be placed with families of the same race and faith.

That only the court may commit a child to an institution at the public charge.

That in the catalogue of acts constituting a child a delinquent, there be included "incurability" and violation of Federal laws.

That no one shall have access to the juvenile court records of any child except by permission of the judge.

That when ordered by the court expenses incurred in medical and mental examination and treatment shall be a valid charge against the county.

That volunteer probation officers shall work under the direction of the chief probation officer of the court."

INSANE HOSPITALS

The State of Alabama, actuated by a spirit of Christian philanthropy, erected and acquired many years ago and is now maintaining two hospitals for the insane—one for white and one for colored patients. These institutions are accomplishing great results but one of them is full beyond its capacity. Patients can not be received except as vacancies occur by the removal of those now there. Since applications far exceed the vacancies it follows that there is a constantly increasing number of insane persons scattered over the State who can not be cared for with present facilities. While some relief will soon come from the use of buildings now under construction, which were authorized by the Legislature, it will be but temporary.

I feel it is incumbent upon me to urge upon you to do everything necessary to ameliorate the pitiable condition of these unfortunates and especially everything that can possibly be done for their recovery.

In my judgment, an appropriation of \$500,000 for building and repairs, available during the ensuing four years, will be required to meet the needs of the institution and I recommend accordingly. I refer to the report of the Board of Control and Economy for a statement of the building and repairs during the present quadrennium.

An Act of the Legislature approved February 12, 1919, increased the appropriation for maintenance of the inmates of the insane hospitals from \$3.50 to \$5.00 per inmate per week, with the following provision: "Provided, however, that if at any time it shall appear in the opinion of the Board of Control and Economy that the needs of indigent and criminal inmates will be thereby met and adequately provided for, the Governor shall be and is hereby authorized to reduce said weekly payment and fix the same at not less than \$3.50."

On July 11, 1922, the Board made such representation to me and I accordingly reduced and fixed the allowance at \$3.50 per week. That amount appears to be adequate at this time, but if future conditions should warrant an increase the Governor has authority to grant it.

INSTITUTION FOR FEEBLE-MINDED

The Legislature of 1919, responding to my earnest appeal to the conscience of its members, recognized the sacred duty of the State toward the feeble-minded members of her citizenship and made a start toward the relief of those unfortunates. An appropriation of \$200,000 for the building of a home for mental inferiors was granted. That amount has been used for the purchase of a magnificent site, comprised of 118 acres adjoining the prop-

erty of the Bryce Hospital, and the building of a dormitory, dining room, kitchen and power house. No provision, however, was made for the maintenance of the institution. I recommend that an appropriation of \$5.00 per capita for the inmates be voted, with the proviso that in the event it be found from experience that a smaller sum is adequate for the said purpose the Governor be authorized to reduce and fix the amount according to his judgment. I further recommend that an appropriation of \$200,000 be provided for the building of additional dormitories.

The State owes a sacred duty to the inmates of this institution. That duty should be discharged according to the standards of the most enlightened civilization and no monetary consideration should be allowed to block the way.

STATE TRAINING SCHOOL FOR GIRLS

On my first trip of inspection to the eleemosynary institutions I discovered that the conditions at this school located at Matsuyama, fourteen miles from Birmingham, were far from satisfactory and that its functions were seriously handicapped by its location and the character of buildings, which were wholly unsuited to the use of such an institution.

By an Act approved September 30, 1919, the sum of \$50,000 was appropriated for the purpose of erecting new buildings. This amount was not expended because it was deemed unwise to place additional buildings on the unsuitable property. On October 5, 1920, authority was given for the re-location of the school. On October 14, 1921, the main building at Matsuyama was burned. The State collected \$25,000 insurance. By an Act approved October 27, 1921, the Legislature authorized an additional appropriation of \$75,000 for building purposes. This sum brought the building fund, including insurance money, up to \$150,000. On July 30, 1921, the Board of Control and Economy purchased a tract of land consisting of 22 acres situated a mile southeast of the fair grounds in Jefferson county, and at once set about constructing a new plant for the school. Four cottages to accommodate about thirty girls each, a school building, a hospital, laundry, power house and dairy barn have been built at a cost of \$140,000, including the purchase price of the land. Each cottage has its own kitchen and dining room with such equipment to make it a complete unit of the institution.

The hospital is designed to accommodate twelve patients. It has an operating room, a treatment room and a dental room, all fully equipped; also an apartment for the nurses. The physical condition of the girls when they come to the school suggested the absolute necessity for the services of a physician and a nurse.

Accordingly, a trained nurse has been placed in charge and the services of a physician have been engaged.

The school house is designed to accommodate a population of 300 girls and is equipped with all necessary modern conveniences. The cottages are all full to their capacity. More are needed. I recommend that an appropriation of \$40,000 be made for the immediate construction of two additional cottages and that a further appropriation of \$40,000 be made for two others, to be available one year later.

The buildings erected have been placed with a view of eventually adding eight more cottages without disturbing the harmony of the present buildings as to distance or relation one to the other. A complete sewerage system has been built. We have city water, electric lights and telephone service.

The girls were removed from Matsuyama about the middle of August, 1922. The morale of the school has greatly improved since moving into the new buildings and I confidently expect greater and greater benefits to accrue.

By Act approved September 30, 1919, the appropriation for maintenance was increased from \$150 per annum to \$300.00 per annum per capita, which is adequate but not a penny too much.

ALABAMA BOYS INDUSTRIAL SCHOOL, EAST LAKE

The Legislature of 1915 responded promptly and liberally to my appeal for support of this institution, both for building operations and for maintenance purposes. Appropriations for buildings and equipment totaled \$125,000, and the per capita allowance for maintenance was increased from \$150.00 to \$240.00 per year, and an appropriation of \$26,000 was made to pay accumulated debts.

The following excerpt from the report of the Board of Control and Economy will show the extent of improvements made in the physical plant and in the administration of the affairs of the school. A great work is being done at the Boys Industrial School. The vision and hopes of the good women who established the institution are being realized, but there is much to be done before the school is developed to the point where it can accomplish its full mission. Another dormitory similar to the one recently constructed should be built at once. A vocational building and a hospital building and equipment should follow. The dairy barn of which the first unit is now nearing completion should be finished and the acreage for farming purposes should be materially increased. For these purposes I recommend an appropriation of \$200,000. Monetary considerations should not count against the saving of hundreds and in time thousands of boys from lives of shame and crime and making of them useful citizens of the State.

I hope, gentlemen, you will put this matter close to your hearts and vote for the boys. The excerpt follows:

"At this institution the Board found the buildings in which the boys were housed inadequate, badly in need of repairs and in an unsanitary condition. It was evident that the farm and garden should have the attention of an expert and that the quality of the live stock should be improved. The institution was running with a deficit and it was impossible to make the necessary repairs without legislative assistance, which was secured in an Act of the Legislature approved September 30, 1919, increasing per capita amount of maintenance from \$150 to \$200 per annum; and an additional relief was granted by the Special Session of the Legislature of 1920 by an Act increasing maintenance allowance to \$240 per capita per annum, and providing an appropriation for paying accumulated deficit.

Section 2 of an Act of the Legislature approved September 30, 1919, appropriated for the fiscal year beginning October 1, 1920, the sum of \$50,000 for the purchase of land and the erection and equipment of buildings, and a like sum was appropriated for the fiscal year beginning October 1, 1921.

Miss Ann R. Davis, of Prison Inspection Department, was sent to the school to take charge of the kitchen and dining room, to suggest such changes as were found necessary to properly feed and clothe the boys of the school, and to improve general sanitary and dietary conditions there, with the result that the dining room was moved from the basement to the first floor of the Alabama building, which was thoroughly renovated; a modern bakery and new kitchen equipment was installed to meet the needs of the institution. The dining room was overhauled and made attractive, was equipped with new dishes, knives, forks and other utensils necessary for the comfortable and orderly serving of meals to the boys. The dormitories were renovated throughout, repainted and fire escapes installed at each of the three dormitories, and the premises cleaned up and put in good condition. The dairy herd has been improved until we now have one of the best herds for its size in the State. At the State Fair in Birmingham this year we won prizes on our milch cows and for the best calf. The boys are being fed from the products of the dairy, daily. Our live stock has been improved by the purchase of pure bred boars and brood sows. The farm and garden have been improved to where they are now getting a splendid production, resulting in not only feeding the boys better, but in great savings by producing vegetables and farm and garden produce for the consumption of the boys that had heretofore been purchased, if used.

These improvements are both economical to the State and educational to the boys. These departments have had the careful attention of the Board of Control and Economy, and we are now getting the hearty co-operation of the board of managers and the officials in charge of the school.

HOSPITAL

The school did not employ a trained nurse nor did it have hospital equipment. However, under provision of an Act approved September 28, 1920, \$5,000 was appropriated annually for employing a physician and assistants and nurses to provide necessary medical and surgical supplies and appliances for the inmates of the Alabama Boys Industrial School, State Training School for Girls and the Alabama Vocational School for Girls, beginning October 1, 1920. Accordingly we employed a trained nurse. This department has made the greatest progress of any department in the school. The reports of this department show the following results of their activities since its establishment in October, 1920:

From October 1st, 1920 to September 30th, 1922

Total number of boys admitted to hospital.....	1,344
Total number of days spent in hospital.....	6,892
Number of surgical cases admitted.....	560
Number of medical cases admitted.....	784
Number of pneumonia cases.....	18
Number of influenza cases.....	95
Number of cases of measles.....	44
Number of cerebro spinal meningitis.....	1
Number of erysipelas cases.....	1
Number of surgical operations performed at this hospital.....	327
Number of surgical operations performed for boys at other hospitals.....	5
Tonsils and adenoid operations.....	192
Circumcisions.....	90
Appendectomies.....	2
Orthopedic operations.....	2
Number of eye examinations (refractions).....	54
Number of boys furnished eyeglasses.....	45
Number of boys given typhoid prophylaxis.....	522
Number of boys vaccinated against smallpox.....	643
Number of fractures reduced.....	10
Number of boys given tetanus antitoxin.....	19
Number of boys examined for hookworm.....	256
Total number of boys attended by visiting dental surgeons, not including examinations.....	495
Number of extraction cases.....	258
Number teeth extracted.....	472
Number of boys had teeth filled.....	209
Number of cavities filled.....	904
Number of dental X-Ray examinations.....	30
Number of boys given dental prophylaxis (scaling and cleaning teeth)...	245
Total number of deaths.....	2
1 death in 1921 due to tuberculosis.	
1 death in 1922 due to osteomyelitis, of tubercular origin.	

Many of the most prominent physicians and specialists operated on the boys for their various ailments without cost to the State. Their co-operation is indeed commendable and the beneficial results to the boys can hardly be expressed in dollars and cents. However, it is estimated that the State would have had to pay out \$25,000.00 in fees to doctors, surgeons and dentists during this time, had it been required to pay for the work done at the hospital and the services so kindly rendered by the physicians and specialists.

The general health of the boys at the school has improved very greatly as a result of this treatment, the morale is better and their school work is better than before the establishment of this department.

HEATING PLANT

The heating plant at the Alabama Boys Industrial School had become almost useless because of its run-down condition. It was repaired and put in first class condition at a cost of \$5,214.58.

NEW BUILDINGS

We have constructed a two-story practically fire-proof dormitory to accommodate one hundred boys at a cost of \$42,057.88; a gymnasium of fire-proof construction to cost \$19,066.87, and a concrete swimming pool 40 feet by 85 feet at a cost of \$2,936.93. The equipment for dormitory and gymna-

sium has been made largely by the boys in their machine shop and wood-working shop. Plans have been drawn for a dairy barn at the school and construction work is well under way. This will require the balance of appropriation of \$100,000 above referred to.

TOOLS AND EQUIPMENT

Under provision of an Act approved September 28, 1920, and to be found on page 8 of the General Acts of the Special Session of 1920, an appropriation of \$25,000 was made for the purpose of furnishing tools and equipment. From this appropriation tools and equipment for the laundry, printing shop, shoe shop, machine shop, wood-working shop, and tailor shop were purchased and have been installed. These shops are all doing splendid work.

In the printing shop we purchased a linotype machine from Mergenthaler & Company, a linotype company of New York, for \$4,158.94, and they loaned us for an indefinite period another smaller machine. This department is doing excellent work. They print an institutional bulletin or magazine weekly, and have done some work for charitable organizations. The boys take great interest in the work and improve rapidly in efficiency. We will doubtless turn out some good linotype men who will command good wages in the commercial world.

The wood-working shop has shown especially good results. They have made 125 dressers and chairs for use by the State Training School for Girls, and practically all of the furniture for the new dormitory at the boys' school except the beds.

The machine shop interests the boys very greatly. They have repaired pumps for use on the premises, rebuilt an old Ford car and a truck that had become useless has been successfully repaired by them in this department.

In the shoe shop they are doing all of the repair work for the entire school, and are now making shoes so that before a great while they will make all of their own shoes and shoes for other institutions in the State.

In the tailor shop they do all of their mending, and make many garments.

In the laundry they are doing excellent work, laundering all of their own clothing, also the kitchen, dining room and bed linens.

The boys in these shops are learning useful vocations and their labor will be in great demand by the commercial world when they are released from this school.

SCHOOL OF LETTERS

The School of Letters is making a splendid showing. The improvement in the student body and in their work is noticeable during the past few months.

THE ALABAMA BOYS INDUSTRIAL BAND

The band at this school has made great progress and their work and efficiency is noticed and commented on by the public.

CHAPEL

Mrs. T. G. Bush, of Birmingham, Alabama, has donated to the school a chapel to accommodate approximately 400 people, which is now under construction, and will soon be completed. This is a brick building, practically fire-proof, and modern in all respects. It will cost about \$19,000.00.

ORCHARD

Some fruit and pecan trees have been put out and will soon be bearing fruit. The school has not sufficient acreage to spare for a large orchard, however, so their operations will necessarily be limited in this line.

SUMMARY

The institution is out of debt and living within its income. They are now discounting their bills, thereby saving a considerable sum of money each year. This achievement is made possible to a great extent by the increased productions of farm, garden and dairy. In the stimulation of production of these commodities, the ambition of the boys to excel in their production is encouraged, so that it has not only a commercial, but also an educational, value resulting in good both to the State and to the boys.

REFORM SCHOOL FOR JUVENILE NEGRO LAW BREAKERS, MOUNT MEIGS, ALABAMA

From report of Board of Control and Economy:

"The reports on surveys made of this institution and inspections by the Board revealed the fact that it was operating under great difficulties.

This school was created and established by an Act of the Legislature approved April 24, 1911, which appropriated for its maintenance \$1.75 per week per capita, which equaled \$91.00 per annum. Before price inflation resulting from conditions brought on by the world war, they probably staggered along, with this appropriation, but at the time the Board of Control took charge of it, the institution was found to be very much in debt and with poor credit, the equipment worn out and run down, the buildings in poor repair and sanitary conditions bad. The morale at the school was low.

A general clean-up campaign was put on and such improvements as the Board was able to finance, was immediately made.

By an Act of the Legislature approved September 30, 1919, the appropriation for maintenance at this school was increased to \$10.00 per month or \$120.00 per annum. The Board invited the co-operation of the Tuskegee Normal and Industrial Institute, and a meeting was arranged at the school between the management of that institute and the Board in June, 1920, at which time they promised the co-operation asked for and have aided us somewhat in our work. Improvements were made in the farm and garden department, resulting in an increased production from that source. More land has been put into cultivation, proper fertilizer used, and improved methods of farming employed.

The buildings have been renovated, screened, and such improvements made as were possible with the equipment at hand.

The class of boys sent to this school makes the work intended to be done by it very difficult. However, progress has been made, and the school has great possibilities if very close supervision is exercised by the State over it.

By hard work and practicing close economy we have accumulated a surplus in our maintenance fund, with which together with other funds promised us, we are building a much needed dormitory, a duplicate of the old one, and a school building and are installing a sewerage system. The school building modern in design and construction, will be equipped with all modern conveniences. Provision has been made in the new dormitory for water closets and bathing facilities. The water supply provided is ample for the present. The sand and gravel used in the construction of these buildings and sewerage system is taken from the property of the school by the boys, and they are doing all of the common labor in connection with the construction work. As a result this work will be done at a minimum expenditure of

money. When it is completed the school for the first time in its history will have a school house, sleeping quarters and sewerage system, ample for its present needs.

The dairy herd has been built up to a point where sufficient milk is produced to serve the boys milk at one meal each day. The grade of hogs has been improved by introducing registered boars and an improved grade of brood sows.

For the last two years we have produced all of the corn required to feed the stock on the place and furnish corn meal to the inmates. Field peas, sweet potatoes, vegetables and molasses have been produced in quantities to very materially reduce the cash cost of maintenance. The school is operating within its income and discounting its bills."

With the present policies of the Board of Trustees, under the presidency of Judge Wm. H. Thomas, continued in co-operation with the Board of Control and Economy, this school will soon be in excellent condition and will be in position to take from the streets of our cities and towns hundreds and in time thousands of embryonic criminals of the colored race and make them into self-supporting, useful citizens. This institution should have an appropriation of \$25,000 for the purpose of providing a shop for vocational training and a hospital, and I so recommend.

REFORM SCHOOL FOR NEGRO GIRLS

We have training schools for white boys and girls and a reform school for negro boys, but no provision has been made for the reformation of negro girls. There is no place for the negro girl law-breaker except the penitentiary, and the county and city jails. Hundreds of negro girls might be reclaimed and their status changed from liabilities to assets by the establishment of an institution similar to the training school for white girls.

I recommend that a start be made by the appropriation of \$50,000 to be used by the Board of Control and Economy for the purpose of acquiring property and erecting suitable buildings for the purpose, and that a maintenance fund be provided. With such an institution established, the State will have made proper provision for the care of all classes of its delinquents.

AGRICULTURE

Progress has been made in the farming industry. The live-stock and dairy industries are steadily advancing. Through the Farm Bureau and the policy of co-operative marketing the farmer is rapidly learning to finance his business to advantage, market his crops systematically and thereby receive full value for them. The boll weevil continues his ravages while the spread of the pink boll worm is a serious menace.

On November 4th, there was held at Memphis, Tennessee, a meeting of the Cotton States Commission at which special at-

tention was given to these pests. I am informed by one of the Alabama delegates that the conference was one of thoughtful and careful study of these problems and that its action was thoroughly businesslike. There was no discussion of cotton prices, cotton acreage, price fixing, suggestions of holding and such things as usually characterize such conventions, all such matters being left to growers and their individual and collective effort. The resolutions of the commission are, in my judgment, worthy of your earnest study and are presented below:

"(1) That in view of the possible infestation in the future of new areas by the pink boll worm, and of the necessity for immediate and drastic action in the event of such a contingency, we recommend that all of the cotton-producing states, which have not already done so, adopt adequate laws for preventing the spread of such insect pest. That for this purpose we recommend the adoption of uniform laws in substantially the same form as the pink boll worm laws now in effect in the states of Texas and Louisiana.

(2) It appears from information available that the supply of calcium arsenate recommended by the United States Department of Agriculture in connection with methods of boll weevil control is very limited and the price liable to be so high as to render the general use impossible. It is recommended, therefore, that the ad interim committee to be appointed by this conference be directed to use its best efforts to co-operate with the United States Department of Agriculture in finding ways and means of obtaining an adequate supply of said arsenate at reasonable prices in order that the same may be available for use by the cotton producers during the coming year. We also recommend that action be taken by way of uniform laws or other statutory regulations (where no such laws or regulations now exist) for the purpose of co-operating with the Federal government in safeguarding the quality of calcium arsenate and other insecticides by inspection, analysis, or otherwise. In this connection we commend the laws relating to these subjects recently adopted by the State of Alabama. We warn cotton growers against a too great dependence upon the use of calcium arsenate or upon any other single means of meeting the effects of weevil damage, and would advise the careful study of the experiments of sections of the cotton belt which have been fighting the pest for many years. That cotton is being successfully grown in so many areas in spite of the weevil, and only by the use of cultural methods and better seed, should encourage the more recently infested territories to continue the fight regardless of the ability of the growers in such territory to secure or to use boll weevil poison.

(3) We commend and endorse the research work of the Bureau of Entomology of the United States Department of Agriculture in connection with boll weevil control, but we are convinced that the appropriation heretofore granted by the Congress, amounting to about \$165,000 annually, is wholly insufficient to provide for the prosecution of such research work in as comprehensive a manner as the magnitude and seriousness of the problem demand. In order that the said research work may be conducted in the future on a more comprehensive and intensive scale, to meet the existing needs, we recommend that the governments of the cotton-growing states seriously consider taking immediate steps to establish a research laboratory at the experiment stations now maintained in connection with the agricultural colleges in said states, for the purpose of supplementing the work now being carried on by the central laboratory of the Department of Agriculture at Tallulah, La. We further recommend that the Federal government be urged to greatly increase the appropriations for research work in connection with

the boll weevil, in the hope that by increasing the number of experts, as well as the facilities devoted to said work, a specific remedy may be found to either eradicate entirely or effectually control the boll weevil in the near future.

(4) We recommend that an ad interim committee, consisting of the commissioners heretofore appointed by the respective states in this conference, be appointed to carry on the work of the cotton states commission, including the work outlined in the above resolutions, until the states concerned have had an opportunity to adopt the statutory plan of co-operation recommended by this conference."

COMMISSION OF CONSERVATION—FISH, GAME, FORESTRY

Below are suggestions of the Commissioner of Conservation for the improvement of conservation laws, which I commend to your consideration:

"1. Salaried Wardens. It is utterly impossible to secure a proper enforcement of and respect for the conservation statutes of the State under the present warden system. Every state in the Union that is doing real constructive work in the protection, conservation and propagation of the wild life of field, forest and stream has abolished the fee system, and substituted therefor the salary system, maintaining a sufficient number of wardens to secure a proper enforcement of the laws.

The lack of respect for the game and fish laws in Alabama is due most largely to the inability of the Commissioner of Conservation to secure efficient men to act as County Game and Fish Wardens, or Special Agents.

By way of comparison, I shall direct your attention to the fact that in the state of Louisiana it was estimated that during the season of 1920-21 there were approximately 80,000 guns. Under the salaried warden system the commissioner was able to secure highly efficient men who were active. The result was that during that year \$103,000 were placed to the credit of the game and fish protection fund through the sale of hunters' licenses.

In Alabama, for the same period and with approximately the same number of guns, only 15,456 hunters' licenses were sold, placing to the credit of the game and fish protection fund, after deducting commissions allowed probate judges, approximately \$25,000.

Under the Louisiana system, as is common in all states where constructive work is being done and desired ends accomplished, the increase in the sale of hunters' licenses far more than pays the salary and expenses of the wardens.

Under the Alabama system only about 20% of the people who hunt secure a hunter's license.

2. Hunter's Licenses. The county hunters' licenses should be abolished. Almost every gunner, living at or near a county line and many who live remote distances, secure a county license and use it hunting in a neighboring county. A uniform hunter's license is more desirable and will bring greater revenues to the department.

3. Conforming to Federal Statutes. All State laws relating to migratory fowl should be changed to comply with the Federal Migratory Bird Treaty Act and the regulations thereunder.

4. A hunter's license represents a special license tax paid by the sportsman for the protection and conservation of the State's natural resources. I believe that after deducting from the game and fish protection fund the expenses which the State government is put to in maintaining the Department of Conservation, the remainder should be spent back into the State in the proper development of the State's natural resources.

If the State is to fall in line with the other states in forestry work and the control of forest fires, a portion of the money arising from the sale of hunters' licenses, supplemented by funds arising through a severance license tax on timber or other moneys obtained as revenue from the lumber industry, should be used in putting over a big constructive program in the State for the perpetuation of our forests and the conservation of the State's other natural resources.

5. Fish Pond Culture Stations. Our streams have become very largely depleted of fish. Practically every state in the Union except Alabama supports from one to twenty-five fish hatcheries, or pond cultural stations. The conservation conference with one hundred of the State's representative citizens in Montgomery, on September 13th, passed a resolution unanimously recommending that the Legislature appropriate \$25,000 of the \$108,000, now in the treasury to the credit of the game and fish protection fund, for the construction of pond cultural stations in the State for the purpose of rearing game-food fish to be transported to the public streams of the State.

6. In almost every instance the penalty for violation of the conservation statutes is not sufficiently severe to deter many indifferent people from violating certain provisions thereof. In addition to a fine, a hard labor sentence should be imposed on the person who would dynamite or poison a stream for fish.

Only now and then do I come in contact with citizens of the State, aside from the lumbermen themselves, who have given much thought to the very serious problem of a near lumber famine in the State of Alabama. Many of those engaged in the lumber industry, in which industry is involved their entire capital, have never given serious consideration to the question of the future supply of timber.

Forestry in Alabama, as in many other states, has furnished one of the basic industries of the State, and therefore involves an economic problem that we as citizens of the State can no longer afford to overlook.

In 1910, Alabama ranked first among the Southern States in the production of lumber, and Mobile claimed the distinction of first place among the ports of the world in the lumber export trade. In 1920, Alabama had dropped to third place among the Southern States in the production of lumber, and Mobile had descended from first to sixth in the lumber export trade.

We are today cutting our timber more than four times as fast as we are producing it. Only ten per cent of what is now being cut is original growth, the other ninety per cent being second growth and of inferior grade.

In 1910, the estimate indicated that Alabama had thirty-eight billion feet of standing long-leaf pine. The estimate of 1919 showed approximately twenty-five billion feet, or a reduction during that decade of thirteen billion feet of pine timber alone.

In 1919, there were six hundred and thirty saw mills in Alabama cutting pine timber. Of this number thirty had a ten year cut, or over. In 1922 we have approximately five hundred mills cutting pine timber, with a possible fifteen with a ten year cut, or over.

These figures sound appalling, and they are, but they are as nearly correct as the government estimates can make them.

I am reliably informed that the states of Georgia and Texas are today importing more lumber for domestic purposes than they are exporting. At the present rapid rate, Alabama will be doing the same thing within a few years.

The number of people whose livelihood depends, directly or indirectly, upon our forests is very large. The place of forest products in sustaining the present industrial structure of the State is of great importance.

Between fifty per cent and sixty per cent of the State is classed as forest land. We have then a land problem, a question of how half of the State is to be utilized in the future. The problem of Alabama is to make the for-

est lands of the highest service in building up the State on a permanent basis. We have approximately six million acres of cut-over land in the State with less than fifty per cent of it suitable to profitable agriculture. The remainder is practically worthless except for growing timber.

The lumberman claims that the present assessed valuation of these cut-over lands will not permit re-forestation because they would be forced to pay taxes on them for a long period of years before they could get any returns, and by that time the taxes would have eaten up all the profit.

In the state of Louisiana there is in operation a severance license tax on lumber and other natural resources. Out of this severance license tax revenues are obtained to run a division of forestry in the department of conservation.

A nominal tax value is put on non-agricultural cut-over areas, which enables the Commissioner of Conservation to enter into a contract with the landowner, under the direction of a trained State forester, to reforest these cut-over lands. The reduced tax income to the State on areas under contract is made up through the severance license tax. In some of the other states the division of forestry is operated upon revenue secured from an occupation tax.

The Legislature of Alabama in 1907 passed a forestry bill which was approved by Governor Comer, but later it was declared unconstitutional.

Annual forest fires destroy hundreds of thousands of dollars worth of young growth that would in the years to come prove a valuable asset to the State. One of the principal features of a forestry program should be the inauguration of a fire patrol system to prevent forest fires. When Alabama shall have taken proper steps through the enactment of legislation creating the proper machinery for fire control and the establishment of a constructive program in forestry, the Federal government, through its Bureau of Forestry, will co-operate in a financial way in helping to perpetuate the forests of the State."

DEPARTMENT OF INSURANCE

Your attention is directed to the following excerpt from the report of the Commissioner of Insurance showing results of the operation of that very important department of the State. The able management of the department is highly commendable:

"Table I attached hereto is a statement of the income of the department, for the period above mentioned, from which you will observe that the income of the department shows a gradual increase up to the year 1922 when the total income falls below what it was for the year 1921. This is due to the fact that the business transacted by the insurance companies within the State reached the highest peak in the history of the department during the year 1920 and the premium tax on this volume of business is reflected in the 1921 report.

The period of deflation, following the high-water mark of business in 1920, was exceedingly disastrous to the insurance business. Not only did all companies suffer a serious shrinkage in premium income, but fire companies especially had a very material increase in losses paid. So serious were the losses to the business that eighteen companies which were doing business in the State in 1920 were forced to withdraw under various circumstances; thus decreasing to that extent the volume of insurance business transacted within the State during the year 1922.

Another matter which tends to bring the total income of the department for 1922 below what it was for 1921 is found in the fact that up to and

including the year 1920 this department, in collecting fire marshal tax, collected from each fire insurance company two-fifths of one per cent on the total gross premiums of such company regardless of whether or not the gross premium was derived from a fire risk or from other lines of coverage extended by such company. Under date of December 20, 1921, the Attorney-General's office, in a written opinion advised this department that where premiums collected by insurance companies for protection against fire losses are segregated from the premiums collected for protection against other causes of damage, the fire marshal tax should only be levied upon the amount of fire insurance premium. Consequently, while the fire marshal tax for the year 1921 was \$40,310.59 for the year 1922 it is only \$30,783.81.

Table II, hereto attached, shows expenditure from which you will observe that the expenditure of the department for 1921 is less than it was for 1920; while for the period covered during the year 1922 there is still a decrease.

The total income of the department for the period covered by this report is \$2,552,221.20. Expenditure for the same period is \$85,359.20. Net profit to the State, \$2,466,862.00.

Since all the expense of the department is paid out of the funds collected by the department from the insurance companies, and since the premiums charged the citizens of the State are lower with the Insurance Department functioning than they would be without such department, and since all funds collected by the department in excess of operating expenses go into the general fund of the State, it is evident that the department has, without one penny of cost to the taxpayers of the State either directly or indirectly, yielded to the taxpayers of the State a total net profit of \$2,466,862.00.

REAL USEFULNESS OF DEPARTMENT

It is impossible for the real usefulness of the department, or the actual value of the department to the citizens of the State, to find expression in any financial exhibit, or in a statement of income and disbursement. As illustrating in some way the wider field of usefulness of this department, I am calling attention to the fact that during the period of deflation following the year 1920, and which was so disastrous to many lines of business, as noted elsewhere in this statement, the withdrawal from the State of eighteen insurance concerns, not one policy holder of the State, so far as this department is advised, sustained the loss of a single dollar by reason of the crash in the business of insurance.

It is unfortunate that so many people seem to regard the Insurance Department as a mere collecting agency, or revenue producer. It is true that the department is one of the very best net revenue producers which the State has. It is equally true, however, that the savings to the citizens of the State, effected under the supervision of the insurance business in the State by the department, is many times greater than the amount of profit reflected in the financial statement, and no department of State so vitally touches the financial interest of every citizen in the State as does the Insurance Department, and in its work of supervision it is called upon to adjust thousands of matters involving the interests of the citizens of the State that find no expression in financial reports and no publicity through the press."

TABLE I—INCOME

	1918 12-31	1919 12-31	1920 12-31	1921 12-31	1922 9-30
Company license @ \$101.00	\$ 17,978.00	\$ 19,493.00	\$ 21,513.00	\$ 22,119.00	\$ 22,624.00
Company license @ \$51.00		357.00	561.00	561.00	510.00
Fraternity license @ \$51.00	2,346.00	2,295.00	2,295.00	2,295.00	2,295.00
Reciprocal license @ \$51.00	867.00	1,275.00	1,632.00	1,683.00	1,581.00
Agents license—Life @ \$5.00	7,555.00	9,890.00	14,200.00	13,050.00	12,970.00
Agents license—Fire @ \$5.00	21,535.00	23,490.00	28,350.00	30,250.00	30,060.00
Agents license—Miscellaneous @ \$5.00	9,635.00	11,555.00	10,690.00	10,660.00	10,170.00
Brokers license @ \$10.00			1,170.00	1,130.00	990.00
Premium tax—Life	143,147.41	153,631.45	222,334.15	280,423.73	268,631.43
Premium tax—Fire	73,375.51	88,787.49	109,472.05	126,366.88	107,324.44
Premium tax—Miscellaneous	40,674.93	65,017.52	39,983.09	63,448.74	53,070.56
Premium tax—Reciprocal	1,587.21	2,483.41	3,221.28	5,541.65	3,477.42
Premium tax—Mutual Aid	12,975.84	18,362.37	26,846.65	33,330.40	29,080.97
Admission deposits		9,000.00	12,500.00	6,500.00	6,000.00
Fire Marshal tax	10,972.35	13,552.92	33,946.05	40,946.45	30,783.81
Tax on unauthorized insurance	492.52	431.34	560.13	822.23	1,062.33
Back tax and license fees	9,728.75	5,317.25	1,687.21	336.00	258.00
Policy registration fees	618.75	903.75	1,015.50	601.00	549.25
Examination expenses collected (from companies examined)					
Seals and copy	908.01	821.41	2,546.75	537.38	
Collected for valuation of securities	48.00	54.75	166.03	55.00	68.00
Fee agent and place			32.00	35.00	20.00
Telephone (bill collections) and telegraph				210.00	120.00
Home Protective League (expense to Huntsville)		50.00	2,040.00	70.22	1.25
Entrance fees				28.55	
License fees collected—license not issued	6,000.00	4,500.00			
Transferred bank account June 30th		203.00			
Dividend on tax due from bankrupt companies		843.04			
Witness fee		30.18			14.61
Totals	\$360,451.13	\$492,344.88	\$536,761.89	\$641,001.23	\$581,662.07

TABLE II—EXPENDITURE

	1918 12-31	1919 12-31	1920 12-31	1921 12-31	1922 9-30
Salaries	\$ 5,953.30	\$ 6,149.91	\$ 7,638.24	\$ 7,396.75	\$ 6,075.00
Office supplies	1,187.75	433.85	3,285.37	1,535.66	1,117.74
Printing	1,077.10	1,436.56	2,193.94	3,687.76	1,300.72
Traveling expenses	654.19	185.09	133.29	201.00	83.86
Telephone and telegraph	59.51	101.76	54.62	230.08	52.46
Postage	440.00	400.00	475.00	450.00	312.95
National Convention of Insurance Commissioners		50.00	86.00	115.00	
Per diem charges and expenses of Actuaries	105.77	1,630.41	4,799.25	3,977.97	1,560.00
Fee special attorney		50.00			
Alabama Audit Company	542.84				
Certificates of refund				1,431.86	1,233.04
Miscellaneous	4.35	12.50	1,010.27	88.71	27.77
Salary Fire Marshal	2,000.00	1,499.94			
Expense of fire investigation	3,690.97	3,084.09			
Totals	\$ 19,720.78	\$ 15,084.11	\$ 19,675.98	\$ 19,114.79	\$ 11,763.54

ALABAMA NATIONAL GUARD

The history of the organization and operations of the new Alabama National Guard is contained in a report recently submitted by the Adjutant General, Colonel Hartley A. Moon, who has shown marked ability as an organizer.

I call particular attention to the record of field services performed by the Guard for the protection of the lives, property and rights of citizens of the State and for the relief of citizens in distress. The value of these services is incalculable and they deserve the highest commendation.

The following memorandum from headquarters of the Fourth Corps Area, United States Army, shows the progress of organization of the National Guard in the states comprising the Fourth Corps area and affords cause of congratulation and just pride in our State military establishment:

Strength, November 1, 1922

	Officers.	Enl. Men.	Aggre.
Alabama	161	2,670	2,831
Florida	93	1,645	1,738
Georgia	133	2,396	2,528
Louisiana	88	1,727	1,815
Mississippi	69	1,336	1,405
North Carolina	116	2,214	2,330
South Carolina	97	1,808	1,905
Tennessee	57	8,806	863
Total.....	813	14,602	15,415

The report of the Adjutant General follows:

"1. Because of lack of proper national laws and the adoption by the states of such specific measures, the entire National Guard of the United States, on being mustered out of the Federal service after the war with the Central European powers, reverted to a civilian status including both officers and enlisted men. This left the states with absolutely no National Guard. The State of Alabama did not have one National Guardsman with Federal recognition at the beginning of the year 1919.

No effort was made early in the year 1919 to reorganize the National Guard of Alabama under the provisions of the National Defense Act of 1916, because of a letter from the War Department bearing date of January 22, 1919, informing the governors of the states that the military policies of the War Department had not been definitely settled and that until policies and plans had been worked out, authority would not be granted states to organize National Guard units with Federal recognition. Some states proceeded with the organization of a purely State Guard, but this was impossible in Alabama because of the fact that no State-owned arms, equipment, and uniforms were available for issue for such troops and no State appropriations were available for the purchase of such.

Pending instructions from the War Department, concerning the date on which to begin reorganization, the State Legislature, which was in session in February, 1919, took steps to comply with section 110, National Defense Act, so that when authority was given there would be no obstacles to the Federal government's co-operating with the State in the reorganization work, furnishing arms and equipments and paying the National Guard armory drill and field pay.

There being considerable delay in progress concerning the policies and plans of the War Department, on March 7, 1919, a special request was made by the Governor of Alabama that the War Department authorize this State to organize the State Staff Corps and departments and one infantry regiment. After considerable delay and correspondence, authority was given by the War Department on June 11th for the organization of the Adjutant General's Department and the Quartermaster Corps of the State Staff Corps and departments, and one infantry regiment. Work was immediately started on these units. In July, 1919, authority was granted for the organization of other divisional units of the Alabama National Guard.

Progress during the year 1919 was very slow as the military man power of the State had just been mustered out of the service of the United States and had had no opportunity to readjust themselves to their civil vocations. This was especially true of the officer material, who were, as a rule, mature men and, in many instances, men with families and in such businesses as required practically all of their attention and time in obtaining their readjustment.

2. Organization.

The first units mustered into the State service with Federal recognition were the Adjutant General's Department and the Quartermaster Corps of the State Staff Corps and Departments, on July 1, 1919. This was followed by the organization of Company "L," 167th Infantry, Birmingham, July 2nd; Company "A," 167th Infantry, Montgomery, July 12th; Company "D," 167th Infantry, Selma, August 6th; Third Battalion Headquarters Company, Birmingham, August 20th, 1919. By December, 1919, there were seven units of the 167th Infantry recruited and mustered into the National Guard of Alabama with Federal recognition.

In the year 1920, there were added three infantry companies and one troop of cavalry with Federal recognition. Organization work during this year was carefully and deliberately carried on, as the experiences of the previous year were used to advantage in organizing units on a more substantial basis with assurance of community support in military man power and of local appropriations and moral backing of the business interests.

In the year 1921, there were added six infantry companies, a tank company, three cavalry troops and two batteries of field artillery with Federal recognition.

In the year 1922, up to and including the 30th of September, there were added three companies of infantry, completing the 167th Regiment; two troops of cavalry, completing the 55th Machine Gun Squadron and completing our entire cavalry allotment; four batteries of field artillery, completing the artillery battalion and the entire allotment of field artillery. Other units organized during this year were the 114th Veterinary Company; the 153rd Motor Transport Company; the 135th Observation Squadron (Air Service); the 140th Ambulance Company; the 127th Wagon Company; Company "D," 133rd Engineers; the Headquarters Company, 77th Infantry Brigade; the 114th Ammunition Train and the Headquarters Company, 39th Infantry Division. With the organization of the Brigade Headquarters Company, the entire infantry allotment of this State was completed.

This gives the State of Alabama forty-two (42) organizations with Federal recognition at the end of the fiscal year, September 30, 1922, with a strength of one hundred and sixty (160) officers and two thousand six hundred ninety-six (2,696) enlisted men, a total of two thousand eight hundred fifty-six (2,856) active citizen soldiers.

The units of the infantry regiment are grouped in three battalion areas. The first in the black belt; the second in the northeast section of the State; and the third in Jefferson county; the separate infantry units being the Headquarters Company, 77th Infantry Brigade, stationed at Tuscaloosa, and

the Headquarters Company, 39th Infantry Division, stationed at Mobile. All the field artillery organizations are allotted to the southeast section of the State. The four cavalry units of the 55th Machine Gun Squadron are organized in the south central area of the State, with the two separate units of cavalry stationed in Hartselle and Birmingham. Other units of the Alabama National Guard include Division, Corps and Army Troops. The Corps Engineer Battalion is allotted to four counties in the Tennessee Valley, with one company of engineers stationed at Huntsville. The other companies of the engineer regiment have not been organized because of lack of Federal appropriations and the possibility of the State appropriations not being sufficient for maintenance. The attached print gives the geographic locations of all the organizations of the Alabama National Guard.

Our progress in organization as compared with the other seven states in the corps area indicated that on August 1, 1922, Alabama had thirty-eight (38) organizations with Federal recognition; Georgia, thirty-six (36); North Carolina, thirty-three (33); Louisiana, twenty-nine (29); South Carolina, twenty-nine (29); Florida, twenty-four (24); Mississippi, twenty-one (21), and Tennessee fifteen (15). The reports from the War Department on June 30, 1922 show that the 39th Division, which includes the states of Florida, Alabama, Mississippi and Louisiana, is ninety-one per cent (91%) organized. The same records show that the nearest division bordering the 39th Division Area is ten points below the organized strength of the 39th Infantry Division.

The State of Alabama has joint interest with other states in the corps area in the following organizations. The 77th Infantry Brigade is made up of the 154th Infantry of Florida and the 167th Infantry of Alabama. The 141st Field Artillery is organized with the First Battalion in Louisiana and the Second Battalion, with Headquarters Battery and Service Battery and Regimental Headquarters in Alabama. The 133rd Engineers is to be organized with the First Battalion in South Carolina, and the Second Battalion, with Headquarters, Headquarters and Service Company, in Alabama. We also have joint interest with Tennessee and North Carolina in the 109th Cavalry. All four units of the Fourth Corps Air Service are allotted to the State of Alabama, with the 135th Observation Squadron (Air Service), stationed in Birmingham.

3. Property.

The military property, which is a free issue from the Federal government, includes all classes carried by the army, and on September 30, 1922 was valued at \$1,069,105.34.

The condition of United States military property in the hands of the Alabama National Guard is, in the major part, excellent. Ordnance property, including rifles, automatic rifles, machine guns, pistols and field guns, is, as a rule, in excellent condition. Quartermaster equipment, including uniforms and all articles of clothing, as a rule, is in good condition, but some of this property, having been used through long periods of active State military service on emergency calls, is unserviceable and will be surveyed, dropped from our returns and replaced. This also applies to tents, which have been used for shelter of our citizens in various parts of the State in aid and relief after storms and floods. The military property, as a whole, is in serviceable condition and we are gradually improving armory conditions, which give better weather, police and fire protection at the stations of these organizations.

4. Personnel.

The quality of the commissioned officer and enlisted personnel, as a rule, is the best that the communities in which these organizations are stationed, afford, and our reason for being able to get this class of personnel is the splendid support and co-operation given by the business men and women

of the communities, because of their understanding of the need of this force of citizen soldiery, both for possible State and national service. The citizens' military committees, organized in most of the stations, act as a go-between the organization and public officials and the community at large in getting a proper understanding of the need of the National Guard and the necessary support of various kinds for its maintenance.

5. Federal and State Appropriations.

Federal appropriations for armory drill and field pay, transportation, subsistence, etc., were as follows:

For the year 1920.....	\$ 54,534.36
For the year 1921.....	128,615.43
For the year 1922.....	240,133.58
	\$423,283.37

The Federal government issued to the State military property and equipment as follows:

For the year 1920.....	\$210,470.14
For the year 1921.....	228,682.11
For the year 1922.....	629,953.09
	\$1,069,105.34

The State spent out of the military appropriations as an organization and maintenance fund:

For the year 1919.....	\$ 4,102.84
For the year 1920.....	24,139.55
For the year 1921.....	40,729.56
For the year 1922.....	49,905.34
	\$118,877.29

The total Federal appropriations to our State for the four years preceding September 30, 1922, is \$1,492,388.71. The total State appropriations during the same period is \$118,877.29.

6. Protection of Lives and Property and Aid and Relief of Citizens in Disaster.

During the period 1919-1922, all years inclusive, the National Guard of this State has been called ten times into the active service of the State for protection of lives and property and for aid and relief of our citizens in disaster. The first call was for riot duty in the mineral districts of Alabama in the month of November, 1919, which involved the use of about three hundred officers and enlisted men for seventeen days.

In February, 1920, in Tuscaloosa county, detachments of the Alabama National Guard and military property, including tents, cots, blankets, etc., were used in the aid and relief of storm sufferers.

In March, 1920, detachments of the Alabama National Guard with military property, which included cots, tents, bed sacks, etc., were used in Tallapoosa county in aid and relief of citizens in disaster, the property being distributed from Dadeville.

In April, 1920, in Marion, Franklin and Winston counties, detachments of the Alabama National Guard and military property, including cots, tents, etc., were used in the aid and relief of storm sufferers. These troops worked in conjunction with the American Red Cross and received the highest commendation for their services both from the citizens of the counties in question and the officers and workers with the Red Cross.

In April, 1921, detachments of the Alabama National Guard with tents, were used in aid and relief of citizens in disaster in Tallapoosa county, the property being distributed from Waverly. During the same month tents were distributed to flood sufferers in Elmore county.

In September, 1920, military organizations were ordered into the active service of the State for protection of lives and property in the mineral districts of Alabama. The initial order called for about three hundred (300) officers and men. This was later increased, finally reaching the strength of about eight hundred (800) officers and men in November and December. This strength was gradually reduced and on February 22, 1921, the entire personnel in the active service of the State was demobilized because of the end of the miners' strike. We are informed that this five and one-half (5½) months of service, is the longest continuous period of riot duty that has ever been experienced by any military organization in the United States.

In August, 1921, about one hundred and eighty (180) officers and enlisted men were used to protect a prisoner on trial at Centreville, Alabama. About the same number of officers and men were used on the occasion of the execution of the prisoner in September following. The conduct of officers and men on this occasion was exemplary and shows that law and order can prevail when backed by determined protection, even in the worst criminal cases that can occur in this State, as this prisoner was lawfully tried and executed when it was known that there was a large majority element, who were determined on taking the law in their own hands.

In July, 1922, at Fort Deposit, Alabama, a detachment of two officers and twenty-six (26) men were called into the active military service of the State for the protection of a negro prisoner.

In August, 1922, troops were again called into the active military service of the State for protection of lives and property at Albany and Birmingham incident to the railway shopmen's strike. At one time there were about five hundred (500) officers and men on duty. At the present time there are about two hundred (200) officers and men on duty, equally divided between the two areas of Albany and Birmingham. This work has been of an unusually arduous nature and has required the use of the greatest tact and diplomacy on the part of the officers and enlisted personnel and to date this service has been rendered in the most commendable manner.

On October 2, 1922, about fifty-five (55) officers and men of the organizations of the city of Montgomery were used in protecting a prisoner in the county jail. The service of these soldiers on this occasion received the highest commendation by the best citizens of our community. The fact that these troops were fired on and did not return the fire, which would, in all probability, have involved the possible loss of life to innocent bystanders, indicates the highest quality of discipline, coolness and self-restraint.

7. Training.

This State now has on duty with the National Guard, six (6) officers of the Regular United States army as instructors. Three infantry instructors, one officer of the air service, and one cavalry instructor, and one field artillery instructor. There are eight (8) noncommissioned officers of the Regular United States army on duty with the National Guard of Alabama, as sergeant-instructors,—three infantrymen, one cavalryman, one air service man, one field artilleryman, and one engineer. These officers and noncommissioned officers are rendering valuable service in instruction, in administration and tactical work and in the conduct of schools by correspondence, lectures and personal instruction. In addition to their regular work they are giving the State valuable service in the maintenance of the units in the area to which they are assigned, and all have a most commendable interest in the organizations under their instruction, and are doing everything possible to help in arousing a permanent community interest and support, and are giv-

ing our citizens as a whole information and instruction in the value of military instruction and the necessity for the maintenance of these units of citizen soldiery.

8. Personnel.

The officers and men as a whole have shown great enthusiasm and interest in the organization, maintenance and instructional work both in the armory and in the field. We are gradually improving the quality of the personnel, both the commissioned and enlisted men by eliminating the morally unfit and others who, because of certain traits of character, are rendered unfit for retention in the military service. As an example of the quality of our officers, Alabama has had two officers detailed for duty in the War Department at Washington during this period,—one with the Militia Bureau, this officer being one of three selected from the entire United States, and one for a six months period of general staff duty representing our corps area of eight states.

9. Service Schools.

During this period, 1919-1922, we have had six officers to finish special courses in the service schools of the United States army, including the infantry school at Fort Benning, the field artillery school at Fort Sill, the cavalry school at Fort Riley, and the tank school at Camp Mead. We have had eight noncommissioned officers to complete courses for enlisted men at the army service schools for enlisted men. We also have one cadet, appointed from the Alabama National Guard, in the United States Military Academy.

10. Organization of new units for the coming years will be accomplished very deliberately because Alabama now has organized seventy-five per cent (75%) of our entire allotment under the National Defense Act. The work of the military department will be largely that of maintenance and improvement of conditions in the individual units throughout the State. This maintenance is of more vital importance than any other factor for the upbuilding of the National Guard, and in this work we confidently anticipate the hearty support of our citizens."

DEPARTMENT OF ARCHIVES AND HISTORY

The Alabama State Department of Archives and History has during the past four years conducted its affairs in the economic and efficient manner which has characterized it from its beginning more than twenty-one years ago. Early in this administration the department suffered the loss by death of the founder and for twenty years director, Thomas M. Owen. His widow was elected by the board of trustees, the delegated authority, as his successor and assumed her duties early in April of 1920. Since the creation of this department, which has been pronounced by authorities a new venture in political science, thirteen other states have adopted the Alabama plan. The founder constantly added new activities to the office and brought it from a bureau of archives and historical records to a branch of the State government rendering practical service to all the people through its various new sub-divisions.

To the original collection of unassorted State papers scattered throughout the various departments in the Capitol which were brought together in the Department of Archives and His-

tory, has been added this class of material with the out-going of each administration. The very practical service of classifying and arranging this material subject to the call of any official or citizen of the State has produced such an accumulation of documents that additional space must be provided or efficiency sacrificed. What is true of the official papers of the State is also true of all of the collections of the department including its newspaper files, museum objects, portrait gallery, natural history collections, scientific collections of all sorts and the Legislative Reference Library. There is not an attic, basement, or receiving closet in the Capitol that is not crowded with collections belonging to this department and I recommend that the action of the Alabama Memorial Commission created by the Legislature of 1919, recommending a memorial building to commemorate Alabama and Alabamians in the World War and to house the Alabama State Department of Archives and History with its records of all wars and all other classes of its collections, be given favorable consideration by this Legislature.

The collections of the department during the last four years have been materially increased. Although all museum objects have been removed from their cases and boxed for lack of space, there has been no abatement in efforts to add to the collections pending the time when a suitable fire-proof building will be provided by the State. A very valuable addition was made when the Navy Department placed here the silver service presented by the people of the State to the battleship Alabama, which vessel has now been dismantled and destroyed. A number of valuable oil portraits of eminent Alabamians have been presented to the department. The library has been enriched by the acquisition of some rare books and the manuscript division largely augmented.

One of the most far-reaching activities of the Department of Archives and History is the State-wide free traveling library system which it conducts. Although no additional appropriation has ever been made for this work the department has, through a devoted interest, secured gifts of books from publishers throughout the country and from other sources which have made possible a reasonable response to the call of the children of the rural districts. This service is constantly growing and the number of libraries, consisting of from forty to a hundred volumes sent out monthly by the department during the past year, exceeds the annual circulation of former years. If this work is to grow means must be provided the department for the maintenance of one field worker to stimulate interest and to assist local, untrained librarians in the best method of handling and caring for the books when they reach the rural schools and communities. New books must be bought and clerical help furnished for their administration in the department. It has been the experience of other states

that a traveling library system properly conducted is of inestimable value as an educational force, reaching as it does the isolated individual and community. The ultimate end of such a system is the stimulation of local and county libraries, both of which are gradually coming into being in Alabama.

Since 1907 the department has been collecting a legislative reference library. Prior to 1915 this division of the department library had not reached that point where it was sufficiently complete to be of marked service. However since that date it has been constantly built up. During the last four years the members of the Legislature have made constant use of the material in connection with bill drafting and legislative needs. This collection is made up not only of local matter but consists also of legislative Acts and reports of commissions in the several states of the Union. The librarian of the department is frequently called upon to do research work during legislative recess for members of that body. This work however like other activities of the department is very much hampered for lack of library space.

The Department of Archives and History is the custodian of all Confederate records and rosters. The director is a member of the Pension Board and correspondence conducted with applicants for pensions, and with the War Department at Washington in connection therewith, amounts to several hundred letters monthly.

This department with increasing usefulness has become a State-wide bureau of information. Its historical reference collections are called upon daily by scores of mature students throughout the State, both as individuals and as members of scientific, patriotic, literary, art and musical circles. In addition to service of this character rendered to the people of Alabama, statistics and information of a practical kind are daily supplied to calls from over this country generally as well as foreign countries.

This department is the medium through which several commissions authorized by former legislatures operate, by virtue of the fact that the director has been named in several cases as ex-officio secretary. Among these are the Alabama Memorial Commission, and the Alabama Centennial Commission. The people of Alabama are aroused today as never before to a patriotic love and appreciation of their State. This condition is due in large measure to the numerous historical celebrations that have taken place incident to the centennial anniversary of the State's admission into the Union and the marking of historic spots. Through the joint efforts of the Centennial Commission and the Department of Archives and History and local agencies a granite boulder has been placed on the site of old St. Stephens, marking

the site of the Territorial Capital. A marble boulder was placed on the site of old Cahaba, marking the first State Capital. A granite boulder was placed on the grounds of the old State House in Tuscaloosa marking the site of the second State Capitol and plans are in progress to mark with a bronze tablet the Court House at Huntsville, at which place the convention was held which adopted our first State Constitution. The Capitol in Montgomery will at an early date be marked with a bronze tablet suitably inscribed showing that city as the fourth and last Capital of the State and the first Capital of the Confederate States. This department is worthy of your sympathetic consideration in the matter of appropriations for its maintenance.

EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

I deem it my duty to advise you of the growing tendency toward the employment of relatives in public offices. For many years complaints have been heard about "public offices becoming private snaps." There is more just cause for such complaints now than ever before. This practice of employing relatives in public office has and can so seriously affect the orderly administration of the public business that I regard it as imperative that legislation be enacted which will limit if not prohibit it.

Any member of this Legislature by methods of his own may obtain information to show that the public business of several departments in the capitol has been transacted by relatives of the heads of the departments. In many cases the work has been well done and it is not my purpose now to point out the inefficiency of any employees of the State but to show that the practice may lead to a condition whereby the public business may be seriously affected.

The State treasury will serve as an illustration: The State Treasurer has one daughter as chief clerk and another daughter as an assistant clerk. There are two other employees, both women. I doubt not that the work will be handled efficiently, but what would happen if the State Treasurer should become ill? He and his chief clerk, his daughter, are the only ones permitted to handle the State's money and draw the State's warrants. If the Treasurer should become ill his chief clerk naturally would be called to his bedside and his other daughter, an assistant clerk, would go, also. This would leave only two employees in the department and neither would have authority to receive or disburse State funds.

I suggest that the Legislature enact a law limiting if not prohibiting the employment of their relatives by heads of departments.

UNIFORM STATE LAWS

In accordance with established custom, and the desire of the National Conference of Commissioners on Uniform State Laws, at the beginning of my administration I appointed five commissioners for Alabama to the conference; and I have in my hands the report of the lawyers whom I appointed as the State's commissioners. They recommend that Alabama adopt twelve more of the laws prepared by the conference to promote uniformity throughout the United States of the law upon commercial relations. In 1909 we adopted in Alabama the Uniform Negotiable Instruments Law, and in 1915 the Uniform Warehouse Receipts Law, and my commissioners urge that the remaining uniform laws affecting commercial relations be adopted at once. I cannot too plainly indorse the importance of uniformity in commercial laws; and the work of the conference to that end; and I trust the report of the commissioners from Alabama will receive your careful study. The report follows:

"To the Governor of Alabama:

In the summer of 1920, Your Excellency appointed the undersigned as Commissioners for Alabama in the National Conference of Commissioners on Uniform State Laws; and as we assume that our term of office expires with your term of office as Governor of Alabama, we now respectfully make report of our actions since our appointment, and take the liberty at the same time to make our suggestions as to the extent to which Your Excellency should ask the Legislature of Alabama to endorse the work of the conference and adopt their recommendations as laws.

There have been three meetings of the conference since we were appointed commissioners, the first during the week preceding the meeting of the American Bar Association at St. Louis, in August, 1920. The second during the week preceding the meeting of the American Bar Association at Cincinnati in August, 1921, and the third during the week preceding the meeting of the American Bar Association at San Francisco in August, 1922. The conference always meets at the same place as the American Bar Association, but during the week preceding the meeting of that body, so that in fact the conference and the association are separate. Membership in the conference is entirely dependent upon appointment by the governors of the several states, with or without legal authority, as the several states provide; whereas membership in the American Bar Association is voluntary with the members of the bar throughout the country.

Judge McClellan, Judge Smith, and Mr. Sims attended the conference at St. Louis. Mr. Sims attended also the conference at Cincinnati, and Mr. Dixon attended the conference at San Francisco. Judge McClellan, Judge Smith and Mr. Sims were prevented from attending the conference at San Francisco because of its conflict in time with the democratic primary in Alabama in August, 1922.

But attendance on the meetings of the conference is by no means the only work of the commissioners. After attending one or more conferences, commissioners are likely to be appointed on committees which require much individual labor between times, as well as one or more special conferences throughout the year. Thus Mr. Sims was appointed on the Committee on Commercial Law, and went to New York to a meeting of that committee in January, 1922, and also was appointed chairman of a committee to consider

and prepare a bill for a law to make uniform the law relating to the extradition of persons charged with crime. The bill prepared by Mr. Sims' committee was considered by the conference at its meeting in San Francisco in August, 1922, but as the conference never recommends a bill to the states for passage until it has been considered at two conferences at least, that bill is not yet ready to be presented to the Legislature of Alabama for enactment this year. It is still under consideration by the conference.

The National Conference of Commissioners on Uniform State Laws was founded in 1892, and has met annually ever since; so that the meeting at San Francisco last summer was the thirty-second conference. Its purpose is to prepare bills upon subjects upon which the law all over America, in their judgment, ought to be uniform, and to recommend their bills when prepared by them in final form for enactment by the various legislatures into law; the commissioners from each state assuming the tacit obligation to use their best efforts to procure the enactment of the uniform bills in their respective states.

So far the conference has prepared and recommended for adoption thirty bills; but only three of them have been adopted as yet in Alabama, namely, the Negotiable Instruments Law adopted in Alabama in 1909, the Warehouse Receipts Act, adopted in Alabama in 1915, and the Desertion and Non-Support Act adopted in Alabama in 1915. Of the other proposed uniform laws which Alabama has not yet adopted, we respectfully suggest that you recommend the immediate adoption of at least nine and probably twelve as covering subjects upon which the law of Alabama should be uniform with that of the other states. Some of these Acts have not yet been adopted by a large number of states, and, therefore, there may be some doubt whether the law of Alabama should be materially changed in those cases merely to promote uniformity in future. But where a considerable number of states have already adopted a law on a subject which should be uniform, of course there can be no doubt that Alabama should adopt that law at once rather than wait to be among the last to adopt it.

The work of the conference has been devoted so far to three classes of subjects,—first, and principally, to commercial law; secondly, to procedural law more or less directly affecting commerce, such as the probate of foreign wills, the recognition of foreign acknowledgments, the authorizing of declaratory judgments upon the meaning of contracts and the like; and thirdly, to social law, such as marriage and divorce, child labor, illegitimacy, and the like.

Of the need of uniformity throughout the country of law on the first class of subjects, there can be no doubt, and as would be expected, the uniform Acts on those subjects have been most widely adopted. The uniform Acts which have been provided on the second class of subjects, those procedural in nature, have been less generally adopted, and are generally inconsistent with old local statutes without being greatly beneficial to interstate commerce. So we are not now urging the adoption in Alabama of any of them. So too the exclusively social laws are always more or less doubtful, and their passage would be hard to procure, without producing great benefit from uniformity. So we are not urging but one of them, and that only because it requires no argument to show that it will promote a broader handling of the great social problem of the South.

The uniform Acts which we now urge for adoption in Alabama are the following:

1. The Uniform Sales Act, which was prepared in 1906, with certain amendments recommended by the conference in 1922 to harmonize it with certain later Acts and the Federal Bills of Lading Act known as the "Pomerene Act," which is slightly in conflict. The Sales Act has been adopted by at least nineteen states and territories.

2. Three amendments to the Warehouse Receipts Act (which was adopted by Alabama in 1915) to make it harmonize with the other Acts drawn later, and with the "Pomerene Act" above referred to.

3. The Uniform Bills of Lading Act, which was completed in 1910, and has been adopted in at least twenty-two states and territories.

4. The Uniform Stock Transfer Act, which was completed in 1910 and has been adopted in at least fourteen states and territories.

5. The Uniform Marriage Evasion Act, which was completed in 1912 and has been adopted in only five states, but which tends to support us in our efforts to prevent miscegenation, in that it would invalidate marriages made outside Alabama which would be invalid in Alabama if the parties intend to reside in Alabama and go out of the State merely to accomplish a marriage which could not be contracted at home.

6. The Uniform Partnership Act, which was completed in 1914, and which has been adopted in ten states and territories.

7. The Uniform Cold Storage Act, which was completed in 1914, and has been adopted in six states.

8. The Uniform Limited Partnership Act, which was completed in 1915, and has been adopted in six states and territories.

9. The Uniform Conditional Sales Act, which was completed in 1918 and amended in 1920, and has been adopted in several states and territories.

10. The Uniform Fraudulent Conveyance Act, which was completed in 1918, and has been adopted in several states already.

11. The Uniform Fiduciaries Act, which was completed in 1922, and therefore has not yet been adopted anywhere, but which will be undoubtedly popular, because it is designed to relieve persons dealing with a fiduciary from the heavy responsibility of a constructive burden of inquiry into the good faith of the fiduciary, except in cases of knowledge of fraud or personal advantage to the person so dealing.

12. The Uniform Act to recognize the commission and to require the Governor to appoint commissioners to represent the State in the conference.

This bill provides for three commissioners only, and thus aims to have each state represented by the same number of commissioners.

It also provides for an annual payment by the State to the commission of three hundred dollars, to help defray the expenses of the commission, which now are borne by the American Bar Association to the extent that they are not met by the several states.

This expense does not include the expenses of the commissioners going to and attending the annual conference. That is provided for also by many of the states, but the Alabama commissioners do not approve incorporating such a provision in the Alabama law. It would seem better to let the commissioners be selected from among those willing to bear their personal expenses in attending the conference.

Copies of all the above bills accompany this report.

December 1, 1922.

Respectfully,
J. K. DIXON,
THOS. C. McCLELLAN,
HENRY UPSON SIMS,
J. Q. SMITH,
Commissioners for Alabama."

CONSTITUTIONAL CONVENTION

During recent years it has been found that much progressive legislation, badly needed and greatly desired, has been restrained

because of some constitutional limitation or inhibition. This has occasioned the submission to the people for approval at almost every general election of one or more amendments to the Constitution. Some of these amendments have been rejected and some have been adopted. The result is that we now have much confusion and a great lack of co-ordination in the fundamental law of the State. The Constitution with its amendments is a patch work. It should be changed, remodeled and re-written and made an harmonious whole. I shall not undertake to enumerate the many desirable changes, but I mention just one, the benefit of which would be worth to the State in dollars and cents a hundred times the cost of a convention. I refer to the provision of the Constitution requiring the Legislature to enforce uniformity in all classes of taxation. Under our Constitution all property, real and personal, must be taxed at the same rate. The uniform tax system has never worked well in any state. Constitutional provisions providing for uniform taxation are long out of date. Ours should go the way of the others.

I recommend that you submit to the vote of the people the question of whether or not a convention should be held, prescribing in the resolution submitting the question a plan of apportionment of delegates to the convention. If you submit the question, I suggest the creation of a commission composed of, for example, thirty-five citizens of the State, drawn from the worthy members of such groups of our people as the farmers, the business men, the educators, the bankers, the doctors, the bench and bar, the press and organized labor, whose duty it would be to study comprehensively and in detail the provisions of the present Constitution in the light of modern thought and conditions, in order to secure for the people of the State a Constitution best suited to their needs and most conducive to their welfare.

The report of the commission should contain in detail such recommendations as to the continuance, discontinuance or modification of existing provisions, or the adoption of new provisions, as the commission, from its investigations and study, shall deem advisable and proper. It should further contain drafts of proposed changes. The report should be submitted to the Governor and by him transmitted to the Constitutional Convention. It should be made a public document. The services and report of such commission would materially lessen and shorten the work of the Constitutional Convention, and would afford a most valuable basis for the deliberations of that body.

I have suggested in this message several needed amendments to the Constitution. This recommendation for a convention is in lieu of the others.

CONCLUSION

I am not unmindful that incoming legislatures usually look to incoming governors for advice and recommendations rather than to outgoing governors. Nevertheless the foregoing observations and recommendations, based on the experience of four years in the executive office, are offered in the earnest hope and expectation that they will receive from you the same careful consideration that I have given them, whether you accept or reject them. I have proposed, in all that I have recommended, the continuance of a progressive program, a program that calls for the further and continued development and expansion of the activities of the State, especially those concerning education, public health and the care of the unfortunate wards of the State. Underlying that program is the system of taxation. Your predecessors built a splendid piece of machinery for the equalization of tax values. That machine must be preserved and improved if possible, so that sufficient revenues may be secured for the support of our educational and eleemosynary institutions or the execution of all plans for progress will be impossible. There has been financial distress among our people during the last four years but it was not caused by high tax bills. Federal taxes have been high and burdensome, but State taxes are the least of our burdens. Recent statistics show that the per capita burden of taxation is lighter than in any other state in the Union.

If wise counsels do not prevail in this Legislature the whole structure so wisely prepared by the last Legislature will crumble and fall or be so impaired that it will fail of its object.

There will always be the familiar cry "reduce taxes," when assessments are far below the percentage required by law. "Economy"—false economy that saves at the spigot and wastes at the bung—"abolish useless offices and reduce salaries" when there are no useless offices or excessive salaries. These cries may be popular, but, gentlemen of the Legislature, they contain a positive and serious menace to the welfare of Alabama and particularly to her educational and health interests and to the unfortunate and helpless wards of the State. Not only do they threaten those interests but they threaten our agricultural and industrial interests as well. Alabama is a wonderful State—potentially. Providence has been kind to us. Nature was lavish in her legacy of resources. We are rich in fertile lands, in an unsurpassed climate, in minerals, in timber, in navigable streams and water powers, in everything necessary to the making of a great State. On no spot of this earth are the raw materials for manufacture so well assorted, so set apart, side by side, ready for immediate and convenient use as they are in Alabama. It is as though the Creator had chosen this section of His universe for a

test or demonstration of what the brain and the hand of man might accomplish in the working of His materials, selected by Him and set apart by Him for the purpose.

But what avails this rich and rare array of resources if they are not to be fully developed? And fully developed they never will be except through the scientific knowledge and technical skill of our own people—our own boys and girls of today who will be the men and the women and the builders of tomorrow. The agricultural and industrial progress of the State depends upon how we educate these boys and girls. The costliest possession of any state is its ignorance; we learn this from our own experience. The best paying investment of any state is education and knowledge; we learn that from the experience of others. The states that invested in education have reaped rich returns from the investment and they are continuing and multiplying the investment.

Now, the question is, shall we maintain the present progress, increase it or decrease it? The answer lies in what you are going to do with your system of taxation. There is no standing still. We will go forward or backward. If you follow those who preach "government by voluntary contribution" the State will go backward with a rush. The alternative is to stand by the schools, stand by all that makes for the educational, the agricultural and the industrial progress and give to Alabama her rightful place among the sisterhood of states.

Before closing this my last general communication to you I desire to record my appreciation of the action of the last Legislature in sustaining my administration in practically every contest. With two or three not very important exceptions all bills recommended by the administration to the favorable consideration of the two houses were passed and enacted into law. Thus did your predecessors enable me to redeem all the pledges which I made to the people. This is a remarkable record of co-operation of one branch of the government with another branch. For those who made it possible I shall ever cherish the liveliest and warmest sentiments of gratitude and esteem.

I desire to record here a fact which may occasion surprise to some who have professed to believe that undue pressure was brought to bear at certain critical periods. Never at any time nor under any circumstances did I directly or indirectly influence or attempt to influence any vote or support for or against any measure before the Legislature by the use or promise of patronage, by support for or against any other measure or by any other means whatever except only such argument as I was able to advance for the measure under consideration. I make this statement not only in justice to myself but in justice to the members of the Legislature as well.

I desire also to extend my thanks to the various State officers and heads of departments, assistants and employees and the attaches of the executive office for their cordial support and cooperation in the performance of my official duties. Their assistance has greatly contributed to the dispatch of business and has rendered my occupancy of the executive office easier and more pleasant and agreeable than it could have been without it. In my retirement I shall bear them in the kindest and most grateful remembrance.

I should feel as if I had neglected a duty if I failed to make public acknowledgment of the services of the Secretary to the Governor, Mr. W. A. Darden. He has been more than a secretary. He has been an able and faithful counselor and a constant sharer of my burdens. He has been a most important factor in the conception and execution of plans for the betterment of all our eleemosynary and penal institutions, ever alert and zealous for the interests of the State. In the conception, planning and building of the new prison near Montgomery his services have been especially valuable. I have never known a more efficient, loyal or faithful public servant.

In conclusion, I avail myself of this opportunity to express to my fellow citizens my profound gratitude for the honors they have conferred upon me, assuring them of my constant and earnest desire for the advancement of our State in virtue, prosperity and happiness.

THOS. E. KILBY,
Governor.

Montgomery, Ala., January 9, 1923.

On motion of Mr. Goodwyn, one thousand copies of the Governor's message was ordered printed for the use of the House.

MESSAGE FROM THE GOVERNOR.

To the Honorable, the Speaker of the House of Representatives:

By direction of the Governor, I hand you herewith, as required by section 424 of the Code of Alabama, returns of the general election from the sixty-seven respective counties, held November 7, 1922, which under the said section the Governor is required to immediately transmit to you.

Respectfully,
W. A. Darden,
Secretary to the Governor.

January 9, 1923.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

Pursuant to section 70 of the Constitution of Alabama I transmit herewith a bill to be entitled An Act to provide for the general revenue of the

State of Alabama, which was prepared by the Governor, the Auditor and the Attorney General in accordance with the said section of the Constitution.

Respectfully,
Thos. E. Kilby,
Governor.

January 9, 1923.

GOVERNOR'S MESSAGE.

The revenue bill submitted by the Governor was ordered referred to the Standing Committee on Rules when raised.

RESOLUTION.

By Mr. Sollie:

H. J. R. 3. Resolved by the House, the Senate concurring, that the Secretary of State be and is hereby requested to furnish each member of the Senate and the House a copy of the Code of 1907, and of all Acts since and including 1907.

On motion of Mr. Sollie, the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Jones of Barbour:

S. J. R. 6. Whereas, the former head of the Polish government, Paderewski, will soon visit the city of Montgomery, be it resolved by the Senate, the House concurring, that this distinguished patriot be invited to appear and address the Legislature of Alabama in joint session upon the day set for his visit to the city of Montgomery, at the hour of twelve noon.

And sends same herewith to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate joint resolution set out in the above and foregoing message from the Senate was referred to the Standing Committee on Rules.

ADJOURNMENT.

On motion of Mr. Tunstall the House adjourned until tomorrow morning at 10:30.

SECOND DAY.

House of Representatives,
Wednesday, January 10th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Bealle of the House.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Elliott	Jeter	Rutherford
Adams	Fanning	Jones	St. John
Adcock	Ferrell	Kilpatrick	Sanders (Conecuh)
Allen	Fite	Lee	Sanders (Pike)
Arrington	Forman	LeMaistre	Sessions
Ashcraft (Fayette)	Gaines	Letson	Smith (Clay)
Bealle	Glass	Long	Smith (Jefferson)
Blackwell	Glenn	Love	Smith (Lee)
Bowen, Lewis	Glover	Luck	Snodgrass
Bowen, L. K.	Goode	Melton	Sollie
Boykin	Goodwyn	Mooneyham	Stewart (Bibb)
Burns	Graves	Moorer	Stewart (Calhoun)
Burton	Grove	Moxley	Thompson (Jackson)
Byars	Guy	Nichols	Tiller
Calloway	Hall	Norman	Tunstall
Cato	Hampton	Odom	Tyson
Christian	Hatter	Parker	Vарner
Coleman	Hawkins	Pickens	Verner
Cook	Henley	Poole	Wall
Culver	Henson	Posey	Walton
Cunningham	Hodgson	Powell	Ware
Deloney	Hornsby	Ringer	Mrs. Wilkins
Dickinson	Howard	Rives	Williams
Dowdle	Howze	Rountree	Wyatt
Dunwoody	Hubbard	Russell	Young

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A quorum was present.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Inzer:

S. J. R. 10. Be it resolved by the Senate, the House concurring, that:

First: There be and is hereby created a Joint Inaugural Committee to be composed of five members of the Senate, and seven members of the House of Representatives.

Second: That the said Joint Inaugural Committee shall take such steps as they may deem necessary for the proper inauguration of the incoming Governor and Lieutenant Governor and report back to the Legislature its recommendations for such action as the Legislature may see fit to take.

And the President and Presiding Officer has appointed as committee on part of the Senate, Messrs. Inzer, Foster, Griffith, Teasley and Horton.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 10, which is set out in the above and foregoing message from the Senate, and the Speaker named as committee on part of the House, Messrs. Ashcraft of Lauderdale, Goodwyn, Verner, Fite, Walker, Tyson and Patterson.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Foster:

S. J. R. 11. Resolved by the Senate, the House concurring, that when the two houses adjourn today that they adjourn to meet at 10 o'clock A. M. on Monday, January 15th, 1923.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the S. J. R. 11, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Legislature:

I am directed by the Governor to hand you herewith his message concerning the "Convict Lease System."

Respectfully,
W. A. Darden,
Secretary to the Governor.

January 10, 1923.

GOVERNOR'S MESSAGE.

To the Legislature of Alabama:

During the past week there has been floating around a line of propaganda that is dangerous to the good name of Alabama. It relates to the matter of the system of leasing convicts for hire. This black spot on the reputation of the State was wiped out by the Legislature by Acts approved September 23, 1919 and October 29, 1921. I wish to emphasize what I wrote on the subject in my general message sent to you yesterday:

CONVICT LEASE SYSTEM

By an Act of the Legislature approved September 23, 1919, it was made unlawful for any person to lease or let for hire any State or county convict to any person, firm or corporation after January 1, 1923. By an Act approved October 29, 1921 the time was extended one year. There has been much misapprehension throughout the State as to the effect of these Acts. The impression is quite general that the law forbids the working of convicts in coal mines after January 1, 1924. A casual reading of the law shows that it does no such thing. The law forbids the leasing of convicts after January 1, 1924, to any one for any purpose, but it does not prohibit the State from working convicts in mines provided they are not leased or let for hire.

The effect of this legislation is to abolish the convict lease system, but it permits what is known as the contract system. Under the law it would be possible for the State authorities to contract with a coal operator to mine, load and deliver coal at the mouth of the mine at so much per ton.

I have never been infected with the maudlin sentimentalism that is responsible for the doctrine that it is cruel and barbarous to work convicts in mines, that the convict should never be deprived of the open air and sunlight which is denied thousands of honest free workmen who choose mining as their business in life. But, I do believe that the convict should not be sent in to the mines except under conditions that will absolutely insure his good and humane treatment.

I have thought that the working of convicts in mines under the contract system would be safe and just to the convict, but with the light of a longer and broader experience and earnest consideration I have become convinced that no convict should be sent into the mines except under conditions that remove him absolutely beyond the control and interest of any private person whatsoever. The only safe and justifiable conditions under which convicts can be worked at coal mining would be in mines owned or leased by the State and operated independently of all outside interests. I therefore recommend that the Act of September 23, 1919 be further amended so as to forbid the working of convicts in any other than State-owned or leased mines.

The effect of such amendment would be to leave on the hands of the State a large number of convicts without means for their employment. That situation could be met by the lease of coal lands of the University, or the purchase or lease of coal lands more advantageously situated, and the development of mines thereon.

Another way to meet the situation would be to double or treble the size of the State cotton mills and develop other manufacturing establishments. A good start in that direction has been made in the building of a 10,000 spindle mill, a shirt factory and a dye works at the new prison which will give employment to nine hundred men. No other employment will be as remunerative as coal mining, but that fact should not deter the Legislature from the performance of a plain duty. The taxpayers of Alabama are able and I believe are willing to get along without the use of anything that looks like "blood money."

There is no question that certain interests are working to turn about the forward steps taken by your predecessors. Alabama is the last state in the Union to give up the system of hiring out unfortunate men to labor for fortunate men. Surely no man in the Legislature or out of it would have the hardihood to defend the system on any other ground than that it saves money to the taxpayer. There is no other possible ground on which it can be defended but there are scores of reasons which may be cited to justify its abolishment, among them the following:

- (1) The lease system is a relic of the days of barbarism.
- (2) Alabama is the only state in the Union leasing convicts.
- (3) If Alabama is right, the other 47 states are wrong.
- (4) It barters the lives of human beings for gain.
- (5) Such gain may be properly termed "blood money."
- (6) Public sentiment demands its abolishment.
- (7) Leased convicts are not directly under the control of the State while at work.

(8) They are frequently subjected to mistreatment and the State and convicts are without recourse.

(9) Convicts are sentenced to protect society, to punish the offender, and reclaim him.

(10) While the lease system may protect society and punish, it can lay no claim to furthering the reclamation and rehabilitation of the offender.

It is said that the State is not able to get along without the hire of convicts. My answer is that the State is abundantly able to support itself without calling on the poor devils in the penitentiary to help.

There are 3,000 men and women in the penitentiary; there are two and a half million persons out of it. The suggestion that these millions are dependent upon a handful of unfortunate convicts to earn the money for the support of their government is an insult to the law-abiding, self-supporting and self-respecting citizens of the State.

Gentlemen of the Legislature, if you take one backward step in this matter it will be heralded to every nook and corner of this nation and to the world to the shame and disgrace of the State.

I earnestly beg you to save the State from this disgrace.

Respectfully,
Thos. E. Kilby,
Governor.

January 10, 1923.

ORDERED PRINTED.

Five hundred copies of the Governor's message were ordered printed for the use of the members of the House.

JOINT SESSION.

The hour of 10:30 having arrived, the Legislature of Alabama met in the hall of the House of Representatives to witness the opening of the returns, and counting, ascertaining and proclaiming the results of the votes cast for the executive officers of the State of Alabama at the election held on Tuesday after the first Monday in November, 1922, being the 7th day of November in the year of our Lord, one thousand, nine hundred and twenty-two.

The joint convention was called to order by Hon. Nathan L. Miller, Lieutenant Governor and President of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following Senators answered to their names:

Messrs:			
Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members answered to their names:

Messrs:			
Mr. Speaker	Dunwoody	Hubbard	Russell
Adams	Elliott	Jeter	Rutherford
Adcock	Fanning	Jones	St. John
Allen	Ferrell	Kilpatrick	Sanders (Pike)
Arrington	Fite	Lee	Sessions
Ashcraft (Fayette)	Forman	LeMaistre	Smith (Clay)
Ashcraft (Lauderdl.)	Gaines	Letson	Smith (Lee)
Bealle	Glass	Long	Snodgrass
Blackwell	Glenn	Love	Sollie
Bowen, Lewis	Glover	Luck	Stewart (Bibb)
Bowen, L. K.	Goode	Melton	Stewart (Calhoun)
Boykin	Goodwyn	Mooneyham	Thompson (Jackson)
Burns	Graves	Moorer	Tiller
Burton	Grove	Moxley	Tunstall
Byars	Guy	Nichols	Tyson
Calloway	Hall	Norman	Verner
Cato	Hampton	Parker	Wall
Christian	Hatter	Patterson	Walton
Coleman	Hawkins	Pickens	Ware
Cook	Henley	Poole	Mrs. Wilkins
Culver	Henson	Posey	Williams
Cunningham	Hodgson	Powell	Wyatt
Deloney	Hornsby	Ringer	Young
Dickinson	Howard	Rives	
Dowdle	Howze	Rountree	

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The Lieutenant Governor and President of the Senate then announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the joint convention was to open the returns, count, ascertain, and proclaim the result of the election held on Tuesday after the first Monday in November, 1922, being the 7th day of November, 1922, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama, in joint convention assembled, the returns of the election held on Tuesday after the first Monday in November, 1922, for executive officers of the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries.

RESULT OF ELECTION.

The Speaker of the House proclaimed the result of the election as follows: .

COUNTIES	Governor		Lieutenant Governor		Attorney General		State Auditor		Secretary of State		State Treasurer		Superintendent of Education		Commissioner of Agriculture and Industries						
W. W. Brandon	O. D. Street	Arlie Barber	Chas. S. McDowell, Jr.	Jere Murphy	R. B. Goss	Harwell G. Davis	W. H. Armbrrecht	W. B. Allgood	T. B. McNaron	S. H. Bian	J. I. McKinney	E. L. Fesperman	Geo. W. Ellis	J. I. Abercrombie	John W. Abercrombie	Miss Lucy Laurendine	Mrs. Agnes P. Hutchinson	J. M. Moore	D. E. Moody		
	Autauga	791	30	1	790	27	1	791	26	791	27	789	30	1	792	29	791	26	794	26	
	Baldwin	1,125	200	35	1,047	204	35	1,078	215	1,096	208	1,080	215	33	1,078	223	1,084	225	39	1,085	217
	Barbour	795	6	1	790	6	1	793	6	793	6	793	6	1	794	6	793	6	2	793	6
	Bibb	862	39	43	848	32	83	848	37	853	34	843	35	32	777	34	848	32	36	853	35
	Blount	2,686	1,809	22	2,682	1,775	18	2,625	1,768	2,658	1,776	2,625	1,772	16	2,635	1,782	2,647	1,764	14	2,633	1,727
	Bullock	444	7	1	444	7	1	444	7	444	7	444	7	1	444	7	444	7	1	444	7
	Butler	760	15		755	16		756	15	756	15	754	18		754	15	758	15		756	15
	Calhoun	1,885	50	16	1,863	54	14	1,861	56	1,866	55	1,854	55	14	1,854	63	1,863	57	11	1,861	63
	Chambers	1,705	14	2	1,662	14	2	1,621	13	1,644	13	1,630	15	1	1,572	14	1,640	15	1	1,630	16
	Cherokee	1,552	337	7	1,448	314	7	1,440	300	1,468	312	1,440	316	7	1,437	309	1,462	306	7	1,435	301
	Chilton	1,626	1,925	9	1,575	1,883	10	1,544	1,925	1,465	1,923	1,446	1,830	10	1,567	1,939	1,575	1,917	7	1,565	1,922
	Choctaw	1,353	5		1,315	5	1	1,274	5	1,284	5	1,267	5		1,230	5	1,279	5		1,271	5
	Clarke	2,640	1		2,640	1		2,695	1	2,628	1	2,637	1	1	2,637	1	2,615	1	1	2,625	1
	Clay	2,046	1,271	6	1,977	1,267	6	1,960	1,263	1,973	1,268	1,969	1,265	6	1,972	1,265	1,992	1,259	6	1,977	1,261
	Cleburne	1,050	639	1	929	633	1	859	627	876	627	874	634	1	871	637	926	635	1	877	630
	Coffee	1,104	30		1,073	23		1,044	22	1,055	24	1,062	26		1,057	25	1,047	28	1	1,046	22
	Colbert	1,228	112	17	1,212	109	14	1,205	110	1,217	109	1,209	209	15	1,213	112	1,222	105	9	1,208	115
	Conecuh	927	19		914	16	1	907	14	915	16	908	18		941	16	909	16		848	16
Coosa	1,196	554	7	1,149	548	5	1,116	554	1,130	552	1,127	552	5	1,124	558	1,135	558	6	1,127	553	
Covington	1,190	18	12	1,167	19	14	1,166	17	1,163	18	1,164	20	13	1,170	18	1,168	19	13	1,170	19	
Crenshaw	763	10		762	10		761	8	763	10	764	10		763	9	756	10	1	763	10	
Cullman	2,583	1,809	13	2,384	1,796	13	2,328	1,777	2,420	1,774	2,335	1,793	15	2,334	1,800	2,406	1,769	11	2,333	1,790	

COUNTIES	Governor		Lieutenant Governor		Attorney General		State Auditor		Secretary of State		State Treasurer		Superintendent of Education		Commissioners of Agriculture and Industries					
	W. W. Brandon	O. D. Street	Arlie Barber	Chas. S. McDowell, Jr.	Jere Murphy	R. B. Goss	Harwell G. Davis	W. H. Armbrrecht	W. B. Allgood	T. B. McNaron	S. H. Blain	J. I. McKinney	E. L. Fesperman	Geo. W. Ellis	J. I. Abercrombie	John W. Abercrombie	Miss Lucy Laurendine	Mrs. Agnes P. Hutchinson	J. M. Moore	D. E. Moody
Dale	1,036	146		1,023	142		999	135	1,014	134	1,017	117		1,010	137	1,037	136		1,004	136
Dallas	1,137	6		1,137	4		1,137	4	1,137	4	1,137	4		1,137	4	1,137	4		1,137	4
DeKalb	3,413	3,438	7	3,284	3,428	7	3,268	3,431	3,323	3,434	3,468	3,421	7	3,274	3,230	3,290	3,426	5	3,274	3,413
Elmore	1,278	35		1,268	35		1,268	36	1,269	35	1,263	35		1,270	39	1,270	35		1,268	37
Escambia	1,259	18	2	1,241	18	2	1,236	20	1,240	19	1,236	24	3	1,239	19	1,246	19	2	1,241	19
Etowah	3,689	814	36	3,630	780	35	3,603	753	3,659	831	3,605	776	34	3,640	800	3,651	782	28	3,649	790
Fayette	1,902	779	20	1,748	1,082	16	1,705	1,083	1,738	1,033	1,769	1,033	12	1,730	1,092	1,760	1,075	11	1,830	1,033
Franklin	2,363	2,144	75	2,293	2,157	32	2,286	2,160	2,302	2,157	2,296	2,156	34	2,291	2,160	2,310	2,151	34	2,199	2,162
Geneva	1,691	470	1	1,653	463	1			1,584	460	1,582	466	1	1,579	463	1,580	467	2	1,566	463
Greene	298	4		296	4		296	4	296	4	294	4		295	4	295	4		296	4
Hale	542	2		541		2	541	2	541	2	541	2		541	2	541	2		541	2
Henry	1,239	165	2	1,192	165	2	1,158	165	1,144	168	1,166	165	2	1,163	167	1,168	163	1	1,164	169
Houston	1,852	78	3	1,817	79	3	1,812	76	1,813	7	1,814	78	3	1,815	79	1,794	79	3	1,875	78
Jackson	2,281	469	12	2,141	447	11	2,107	444	2,125	462	2,116	456	12	2,114	456	2,151	441	12	2,123	452
Jefferson	11,135	424	1,039	11,229	429	761	11,440	442	11,447	441	11,021	441	594	11,341	598	11,206	441	438	11,382	484
Lamar	846	54	1	848	54	1	830	53	834	56	834	56	1	814	54	833	54	1	832	55
Lauderdale	2,475	415	4	2,407	396		2,382	388	2,405	393	2,392	402	2	2,394	391	2,411	391	5	2,401	450
Lawrence	1,353	447	2	1,211	447	2	1,151	440	1,190	448	1,169	462	2	1,171	458	1,216	439	2	1,165	445
Lee	729	10		727	9	1	724	9	726	9	726	9	1	726	9	727	1	1	725	10
Limestone	860	20	2	854	20	2	853	22	855	22	854	20	2	853	22	853	21	2	853	22
Lowndes	488			487			488		487	1	483	4		489		487	1		487	1
Macon	308	5		306	5		305	5	305	5	306	5		306	5	308	5		306	5

Madison	2,199	58	1	2,135	55	1	2,121	40	2,127	42	2,129	43	1	2,131	84	2,090	42	3	2,121	42
Marengo	848	4		848	4		848	4	848	4	848	4		848	4	848	4		848	4
Marion	1,903	639		1,856	644		1,801	633	1,309	643	1,806	650		1,809	648	1,812	640		1,818	639
Marshall	2,914	1,421	13	2,872	1,262	13	2,872	1,241	2,919	1,309	2,851	1,253	11	2,863	1,266	2,909	1,259	14	2,875	1,253
Mobile	6,963	1,952	40	6,836	862	44	6,762	504	6,913	412	6,882	486	40	6,846	460	6,780	487	49	6,757	425
Monroe	920			920			920		920		920			920		920			920	
Montgomery	1,795	39	1	1,797	36	1	1,796	37	1,797	37	1,793	41	2	1,791	38	1,794	37	1	1,795	37
Morgan	1,978	117	23	1,927	112	19	1,924	110	1,836	107	1,909	120	18	1,918	113	1,941	111	15	1,929	112
Perry	522	22	18	520	4	18	520	4	520	5	520	3		521	4	521	4		523	2
Pickens	1,001	23	2	990	23	2	948	23	981	23	980	23	2	978	23	984	24	1	994	22
Pike	845	8	1	845	8	1	846	6	846	8	847	5	1	847	9	847	8	1	843	7
Randolph	1,585	616	2	1,572	569	4	1,562	603	1,571	607	1,566	607	3	1,583	605	1,586	608	2	1,574	567
Russell	454	2		452	1		445	1	449	1	449	1		450	1	449	1		447	1
Shelby	2,488	2,213	40	2,394	2,223	28	2,391	2,919	2,374	2,222	2,370	2,221	27	2,373	2,238	2,372	2,244	20	2,295	2,239
St. Clair	1,908	1,470	41	1,788	1,455	29	1,768	1,467	1,814	1,442	1,761	1,460	28	1,757	1,342	1,731	1,529	23	1,769	1,455
Sumter	676	2		676	2		676	2	676	2	676	2		677	2	676		2	676	2
Talladega	1,901	137		1,851	131		1,841	130	1,842	130	1,843	133		1,840	141	1,860	127		1,841	132
Tallapoosa	1,076	16	2	1,076	17	2	1,075	17	1,075	18	1,075	17	2	1,075	17	1,074	17	1	1,074	17
Tuscaloosa	2,036	64	1	2,000	58	1	1,980	47	1,994	59	1,979	57	2	1,988	61	2,008	57	1	1,988	52
Walker	4,589	2,783	105	4,457	2,745	73	4,443	2,749	4,463	2,733	4,436	2,747	66	4,453	2,788	4,484	2,741	57	4,546	2,782
Washington	716	5		705	5		703	7	703	5	703	5		703	6	703	7		703	6
Wilcox	667			667			667		667		667			667		667			667	
Winston	1,136	1,641	8	1,178	1,609	3	1,185	1,616	1,208	1,620	1,188	1,617	3	1,186	1,624	1,211	1,619	7	1,187	1,607
Totals	113,605	31,175	1,697	111,052	30,748	1,298	108,799	30,598	111,144	30,384	110,293	30,463	1,083	110,162	30,529	110,858	30,478	911	110,602	30,044

The purpose of the joint session having been completed, the Senate returned to the Senate Chamber.

By Mr. Verner:

H. J. R. 4. Be it resolved by the House of Representatives, the Senate concurring, that a committee composed of five from the House and three from the Senate, be appointed for the purpose of investigating the entire matter concerning the valuation of the properties of public utilities in Alabama pursuant to the Governor's message to the Legislature of January 10, 1923.

The resolution was referred to the Standing Committee on Rules, when raised.

APPOINTMENT OF READING CLERK.

The Speaker of the House announced the appointment of Cyrus B. Brown of Montgomery, Alabama, as Reading Clerk of the House.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the general revenue bill of the State of Alabama.

Respectfully,
W. A. Darden,
Secretary to the Governor.

January 10th, 1923.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

In connection with the duties devolving on me in the general supervision of all departments of the State government, my attention comes to the Public Service Commission.

The Legislature placed upon the commission under the Alabama Public Utility Act of 1920 greatly enlarged powers, duties and responsibilities in the control and regulation of public utilities. One of the most important and responsible of such duties is that of finding and fixing a valuation of the properties of the several utilities as a basis for fixing their rates.

I find that in the case of the largest utility in the State, the Alabama Power Company, a majority of the commission consisting of the two Associate Commissioners, undertook by an order issued by them on December 13, 1922, to give the property of such company a valuation for rate-making purposes in the sum of \$33,843,252.

An inspection of the record in this proceeding shows the following:

First: That, leaving out of consideration the undeveloped water powers, which the Associate Commissioners say in their opinion were not included, they have placed on the property of this company a value in excess of that found by any of the several consulting engineers employed in the case, including those employed by the Power Company itself, and in excess of the figures contained in the Power Company's own statement of cost. The president of the commission, its consulting engineer and its accountant, vigorously protested against this action on the ground that the company had never furnished for their examination and analysis, all of the original rec-

ords showing the cost of its property, although demand had been made for such records in accordance with the law.

The company's own statement shows that the total cost of labor, material, etc., of their properties was \$17,095,926. There is no sound basis on which the two Associate Commissioners could have added the difference between this cost of the physical plant in such sum of \$17,095,926 and the valuation which they fixed of \$33,843,252, except for intangibles, going concern value, developed water power and certain overhead expenses which the power company contends is not included in the property account on their books. The commission's accountant, under oath, shows that although demand for such records had been made, the company has never furnished its original records to substantiate the company's claim that its physical plant, covering such total cost of labor, material, etc., is justified, and that such records do not include more or less of those sums claimed in addition for intangibles, for which intangibles the two Associate Commissioners must have allowed in excess of \$16,000,000. It stands to reason that neither the commission's accountant nor the commission could determine what sum claimed by the company for such intangibles should have been properly allowed, unless and until the commission had been given access to the company's original records showing all original entries as to what constituted the sum of \$17,095,926 claimed for the physical plant.

The Associate Commissioners allowed for such intangibles, among other things the sum of \$2,410,652 for developed water power. That is an allowance over and above the value of physical property and plant and represents the value of the water power or water rights, which amounts to the company being allowed to capitalize the natural resources of the State, on which the consumers will forever be compelled to pay a return.

These and many such similar things are such as to lead me to the conclusion that the valuation named by the two Associate Commissioners has been fixed without having before them all the evidence which the law requires, and without due regard for the requirements of the law applying to such cases, and that allowances of value have been made by them which are not justified.

Second: That the power company had not in fact made all such records available for examination and analysis by the regular engineer and accountant of the commission, who are employed by the State. The State engineer and its accountant stated under oath before the commission on December 12, 1922, the day before this order was issued, that a certain ledger of the company on that day produced, had never before been made available to them, and that on that occasion, they were scarcely allowed by the company's officials to get more than a glimpse of such records over the shoulders of such officials; that as soon as the company had made a technical production of this ledger before the commission, and without time or opportunity thereafter being given for the State's consulting engineer and accountant to examine and analyze this record and to require the production of the original journal entries behind the ledger, which the ledger itself showed did exist, the company's officials bundled up such ledger and carried it away with them; that the Associate Commissioners on the following day issued their order while the State's accountant was in Birmingham under the orders of the president of the commission, trying still to get access to the company's records. The ledger of which the commission and its experts were given little more than a bird's eye view, contained six ledger entries which totaled over sixteen million dollars, all of which the company was insisting should be taken as a part of the value of their property to be fixed by the commission. Such ledger entries, like the usual ledger entries of other business concerns, did not show nor set out in detail what items of property they covered, but did show, and the company's president and treasurer admitted, that there were behind these entries original or journal voucher sheets. The

company produced only one of such journal voucher sheets, and there remained some seven millions of dollars contained in such ledger entries for which no supporting original records were ever offered by the company or made available to the commission's engineer and accountant, although the same had been demanded.

It is true that the company's officials, or some of them, did declare in a general way, that they had made all their records available to the commission's experts. You will hardly be satisfied that this is true in face of the positive, specific oaths of the State's engineer and accountant that the specific record produced at the eleventh hour before the commission and in the manner above stated had never before been made available to them.

It may properly be said in this connection that it is always an evidence of bad faith with the public for a public utility to deny to the commission, its engineers and accountants, access to any of their records.

It appears from the commission's records that another large utility in the State, the Mobile Gas Company, had within the past few days, following the example set by the powerful power company, denied to the commission's authorized representative access to its records. Such conduct can lead to but one conclusion, that the utility guilty of it has something to fear from a full and complete examination and analysis of its records in so far as its valuation is concerned.

If the Utility Act of 1920 is not amply sufficient to enable the State's commission to gain access, whenever it deems proper in the public interest, to all the records and plant of any public utility then I recommend that you make it so, beyond any doubt whatever. This is absolutely necessary in the public interest.

It further appears in the matter of the valuation of the property of the Alabama Power Company by the Associate Commissioners that their seventeen page opinion issued by them as the basis on which they found their valuation, was prepared by them not in conference with the president of the commission and that he was never allowed to see the opinion until after they had adopted it; that such opinion and order were not even prepared in the offices of the commission but in a room of a hotel in Montgomery; that although such opinion and order involved matters of the most technical nature, they never submitted it before adoption to the State's expert engineer and accountant for their analysis or suggestion; that although such opinion and order involve the most difficult and complicated questions of law, they never submitted it before adoption to the Attorney General of the State, or any of his staff, for analysis or suggestions as to whether they had conformed to the law governing such difficult cases.

There is, therefore, the strongest reason to believe that this valuation fixed by the Associate Commissioners has not been made in accordance with the law and can not be accepted without the very greatest suspicion as to its correctness.

Engineers familiar with this property and in a position to judge of its fair value through their reports indicate that, in their judgment, the valuation fixed by the Associate Commissioners is approximately six million dollars in excess of its fair value. If their judgment is correct, the public must pay to the stockholders of the power company a tribute yearly and perpetually of approximately a half million dollars which would be nothing less than legalized robbery of the people.

There is good reason to believe that since this order was issued, propaganda has been broadcast over the State which is calculated to deceive the people in regard to this matter. Among such propaganda is this:

That it is to the interest of the people that the commission find a high valuation because the company will thereby pay more taxes into the State's treasury. This can only deceive the unthinking and uninformed man. The law requires that rates must be fixed for public utilities high enough to

cover all their costs of operation and also give them a fair return on the fair value of their property. Taxes must be allowed to the company as a part of its cost of operation and it is plain that such taxes will be paid by those who pay the rates for lights, power, etc., and not in fact by the company and its stockholders. So it makes but little difference to the company whether its taxes are on a high or a low basis because its customers must pay rates which include the taxes.

What will be the effect of such valuation? Based upon the operating report of the company for the first six months of 1922, which is all that is available now, and doubling to represent the year, the new value found by the commission, with additions of property added, will make a total of approximately forty-three millions of dollars, on which to figure the return. Using the rate of return of seven per cent only, there will be a deficit in the 1922 operation of this utility of approximately \$1,250,000. This deficit would have to be provided for by an increase in the gross revenue of at least 25% which would mean increased rates on everything the power company sells, with higher bills for the public to pay.

How long must this valuation control in the matter of the rates for light and power which the public must pay? I will not undertake to say. The Utility Act of 1920, section 16, contains in substance the following language: After the valuation is fixed by final order of the commission, it shall for all future rate making purposes be the permanent basic valuation of the property of such utility. This part of the Act has never been construed by the courts. There seems to be quite a difference of opinion among both lawyers and engineers as to what this provision does mean. It certainly seems to be open to a construction that when such a final order of valuation is made by the commission, such figure will continue thereafter to exert a greatly controlling influence in determining a valuation of the utility's property on any future date.

What remedy or right of review of any such order has the public? The Act clearly gives the utility a right of protest and rehearing. Under section 61, there appears to be a right of rehearing given to the public although contention has been made that this section does not apply to orders fixing valuation. Certainly the Legislature which passed such law must have intended that the public, as well as the utility, should have this right of protest and rehearing.

Think, gentlemen, of the enormity of this thing. A finding by a body created for the protection of the public that has the effect of transferring from the pockets of the public to the pockets of a great corporation four or five hundred thousand dollars every twelve months for an indefinite and perhaps very long period of time.

It is one of the most dastardly outrages ever perpetrated on a free people. I know of nothing in the history of Alabama since reconstruction days when the carpet-bagger exploited our people that approaches it in brazen and disgraceful disregard of the interests of the people. I have requested the Attorney General to take cognizance of the matter with a view to using every legal power of the State in an effort to set aside this action of the commission and bring about a rehearing of the case and a re-valuation of the property. In the meantime, I earnestly recommend that a joint committee of the Senate and House of Representatives be appointed for the purpose of investigating the entire matter and reporting its findings with recommendations for appropriate action of the Legislature for the protection of the interests of the people of the State. All right thinking people want our State developed and they want to be fair and just to the developers but they require at the same time fairness and justice to the State and its people.

Respectfully,
Thos. E. Kilby,
Governor.

Five hundred copies of the above message were ordered printed for the use of the House.

ADJOURNMENT.

Under a joint resolution heretofore adopted, the House adjourned until 10 o'clock, Monday, January 15th, 1923.

THIRD DAY.

House of Representatives,
Monday, January 15th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. E. Northcutt of Montgomery, Ala.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Elliott	Kilpatrick	St. John
Adams	Fanning	Lee	Sanders (Conecuh)
Adcock	Ferrell	LeMaistre	Sanders (Pike)
Allen	Fite	Letson	Sessions
Arrington	Forman	Long	Smith (Clay)
Ashcraft (Fayette)	Gaines	Love	Smith (Jefferson)
Ashcraft (Lauderdl.)	Glass	Luck	Smith (Lee)
Bealle	Glenn	Melton	Snodgrass
Blackwell	Glover	Mooneyham	Sollie
Bowen, Lewis	Goode	Moorer	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Moxley	Stewart (Calhoun)
Boykin	Graves	Nichols	Thompson (Jackson)
Burns	Grove	Norman	Tiller
Burton	Guy	Odom	Tunstall
Byars	Hall	Parker	Tyson
Calloway	Hampton	Patterson	Varner
Cato	Hatter	Pickens	Verner
Christian	Hawkins	Poole	Walker
Coleman	Henley	Posey	Wall
Cook	Henson	Powell	Walton
Culver	Hornsby	Ringer	Ware
Cunningham	Howard	Rives	Mrs. Wilkins
Deloney	Howze	Rountree	Williams
Dickinson	Hubbard	Russell	Wyatt
Dowdle	Jeter	Rutherford	Young
Dunwoody	Jones		

A quorum was present.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Mr. M. Sollie, Jr., of Ozark.

ANNOUNCEMENT OF STANDING COMMITTEES OF THE HOUSE.

The Speaker of the House announced the following standing committees of the House:

Committee on Rules:

Mr. Speaker	Walker	Fite	Goodwyn
Tunstall	Verner	Embry	Cunningham
Ashcraft (Lauderdl.)			

Judiciary:

Verner, Chairman	Goodwyn	Rountree	Tunstall
St. John	Howze	Smith (Lee)	Wall
Grove	Luck	Snodgrass	Walton
Embry	Melton	Sollie	Ware
Fite	Nichols	Tiller	Williams
Glenn			

Revision of Laws:

Walker, Chairman	Fanning	Thompson (Jackson)	Fite
Cunningham,	Ferrell	Varner	Howze
Arrington	Gaines	Hubbard	Embry
Cato	Glover	St. John	Rountree
Dickinson	Powell	Snodgrass	

Ways, Means and Appropriations:

Ashcraft (Lauderdl.)	Deloney	Patterson	Verner
Chairman	Embry	Rountree	Walker
Graves	Grove	Smith (Jefferson)	Mrs. Wilkins
Burns	Howze	Stewart (Calhoun)	Arrington
Culver	Lee (Perry)	Tunstall	Tiller

Privileges and Elections:

Rives, Chairman	Blackwell	Henson	Calloway
Boykin	Gaines	Moxley	Pickens
Ashcraft (Fayette)	Glenn	Sanders (Pike)	Rountree
Bealle	Hampton	Sessions	

Education:

Culver, Chairman	Hubbard	Smith (Lee)	LeMaistre
Mrs. Wilkins	Jones (Bullock)	Wall	Grove
Bowen, Lewis	Luck	Walton	Bealle
Glenn	Odom	Fanning	Goodwyn
Howard	Smith (Clay)	Tiller	Kilpatrick

Commerce and Common Carriers:

Long, Chairman	Ferrell	Burns	Elliott
Cunningham	Goodwyn	Cato	Lee
Ashcraft (Lauderdl.)	Kilpatrick	Varner	Love
Coleman	LeMaistre	Dowdle	Graves
Deloney	Walker		

Temperance:

Thompson (Etowah)	Burton	Henley	Russell
Chairman	Dickinson	Hodgson	Sollie
St. John	Dowdle	Jones (Bullock)	Stewart (Bibb)
Adams	Graves	Letson	Thompson (Jackson)
Ashcraft (Fayette)	Hall	Rives	Mrs. Wilkins
Bealle	Forman		

Agriculture:

Burns, Chairman	Boykin	Hampton	Smith (Lee)
Walton	Byars	Hatter	Stewart (Bibb)
Adams	Calloway	Mooneyham	Thompson (Etowah)
Adcock	Dunwoody	Odom	Ware
Allen	Forman	Poole	Young
Ashcraft (Fayette)	Goode	Ringer	

Local Legislation:

Luck, Chairman	Byars	Howze	Tiller
Smith (Lee)	Ferrell	Long	Mooneyham
Adcock	Forman	Norman	Dunwoody
Blackwell	Hall	Odom	Ashcraft (Fayette)
Bowen, L. K.	Henley	Stewart (Calhoun)	

Corporations:

St. John, Chairman	Coleman	Hampton	Nichols
Snodgrass	Cook	Howze	Pickens
Allen	Dunwoody	Kilpatrick	Powell
Bealle	Goodwyn	Long	Wall

Penitentiary and Criminal Administration:

Walton, Chairman	Christian	Guy	Norman
Rives	Coleman	Hatter	Parker
Allen	Cook	Hornsby	Tunstall
Blackwell	Glass	Moorer	

Municipal Organizations:

Sollie, Chairman	Hubbard	Sessions	Burns
Stewart (Calhoun)	Nichols	Williams	Forman
Arrington	Rutherford	Patterson	Dowdle
Cato	Sanders (Pike)	Boykin	

Banking and Insurance:

Rountree, Ch'man	McGowan	Smith (Jefferson)	Verner
Fite	Poole	Snodgrass	Deloney
Goode	Rutherford	Sollie	Patterson
Hornsby	Sessions	Tyson	

Labor and Immigration:

Russell, Chairman	Ashcraft (Lauderdl.)	Lee (Perry)	Graves
Stewart (Calhoun)	Christian	Moorer	Jeter
Allen	Walton	Pickens	Ware
Bowen, Lewis	Howard	Hatter	

Public Roads and Highways:

Frank Embry, Chm	Glover	LeMaistre	Ringer
Melton	Bowen, L. K.	Moorer	Rutherford
Christian	Goode	Parker	Smith (Clay)
Coleman	Hall	Patterson	Sollie
Cook	Henley	Poole	Tyson
Culver	Howard	Powell	Williams
Elliott			

Mining and Manufacturing:

Howze, Chairman	Fanning	Lee	Verner
Luck	Glass	Stewart (Bibb)	Embry
Deloney	Guy		

County and County Boundaries:

Howard, Chairman	Jones (Bullock)	Love	Sanders (Conecuh)
Hawkins	Letson	Posey	Thompson (Jackson)
Henson			

Public Health:

Mrs. Wilkins, Chm.	Howard	Russell	Culver
Nichols	Moxley	Varner	Bealle
Hodgson	Patterson	Wall	Adams
Tyson	Ringer	Ashcraft (Lauderdl.)	

Pensions and Soldiers Home:

Adcock, Chairman	Glass	Smith (Jefferson)	Norman
Burton	McGowen	Mrs. Wilkins	Ringer
Dickinson	Parker	Young	Hawkins
Dowdle			

Public Buildings and Institutions:

Goode, Chairman	Bowen, L. K.	Hornsby	Wyatt
Rountree	Gaines	Sanders (Conecuh)	Mooneyham
Adcock	Henson	Sanders (Pike)	

Revision of Journal:

Melton, Chairman	Cato	Dunwoody	Hatter
Letson			

Military:

Snodgrass, Chm.	Kilpatrick	Rountree	Cato
Arrington	Sanders (Conecuh)	Melton	Glenn
Hubbard	McGowen	Nichols	Guy
Jeter	Walton		

Game, Fish and Forestry Preservation:

Grove, Chairman	Pickens	Jeter	Tyson
Nichols	Ware	Jones (Bullock)	Bealle
Elliott	Goode	Fanning	Byars
LeMaistre			

Public Printing:

Patterson, Ch'man	Nichols	Guy	Snodgrass
Wall	Byars	Luck	

Engrossed Bills:

Glenn, Chairman	Adams	Elliott	Glover
Bowen, L. K.			

Claims and Fees:

Graves, Chairman	Calloway	Hornsby	Wyatt
Bowen, Lewis	Hawkins	Jeter	

Enrolled Bills:

Smith (Clay), Chm.	Hodgson	Tyson	Young
Thompson	(Jackson)		

DOORKEEPER OF GALLERY.

The Speaker announced the appointment of John McLeod of Ozark, Alabama, as Doorkeeper of the Gallery of the House.

PAGES AND MESSENGERS.

The Speaker announced the appointment of the following as Messengers and Pages:

MESSENGERS.

F. E. St. John, Jr., Cullman, Ala.
Jno. Q. Adams, Jr., Ozark, Ala.

PAGES.

Joe Benson, Tuscaloosa.
Dyar Hawthorne, Pinson.
Cecil Dickinson, Prattville.
Sam Pharr, Montgomery.
Franklin Glass, Montgomery.
William Bargainier, Montgomery.
Robert Baxter, Montgomery.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the feeding of prisoners.

Respectfully,

W. A. Darden,
Secretary to the Governor.

January 15, 1923.

To the Legislature of Alabama:

"I am writing you this to suggest that we get together and have a call for all of the outgoing and incoming Sheriffs of the State, to meet in Montgomery at an early date, for the purpose of discussing these matters, and also for the purpose of new legislation and bringing pressure to bear upon the incoming administration to make settlements and payments of the past due bills of the outgoing sheriffs, as well as making provision for the protection of the new incoming Sheriffs. Please let me hear from you as to what you think of my plan."

The above is quoted from a letter which is in my possession signed by the sheriff of Pike County and addressed to the sheriff of County and dated January 4, 1923.

This letter was written subsequent to a meeting of sheriffs-elect held in Montgomery recently which was given much publicity. It is obvious that a concerted effort is being planned for forcing, by the use of "pressure", the prisoners in the county jails to divide their rations with their keepers, the sheriffs.

Prior to 1919 sheriffs were paid certain fees for feeding prisoners ranging from sixty cents a day down to thirty cents based on the number of prisoners. No restrictions whatever were placed about the feeding of prisoners. The sheriffs could invest less than ten cents a day in the food for each prisoner and collect the full amount permitted by law, the profit going to themselves.

It is a notorious fact that many sheriffs made huge profits from the feeding of prisoners and that in many instances prisoners were unable to obtain sufficient food to relieve their hunger.

The legislature of 1920 enacted a law giving the prison inspection department authority to supervise the feeding of prisoners and requiring the sheriffs to expend the full amount allowed by law for food. This law provides the same amounts for the feeding of prisoners but requires the sheriff to expend every penny in feeding prisoners and does not permit him to make a profit from feed bills.

A sheriff is required to submit to the prison inspection department statements showing the cost of the food which has been used during each month, just as other state and county officers are required to account for the public funds they handle. When these statements have been filed and all requirements of the prison inspection department have been met, the sheriff is permitted to collect, in addition to the actual amount paid for food, a fee covering his services in preparing and serving the food. This fee is regulated by the number of prisoners. Where the number is under twenty, ten cents is paid for each prisoner; for the number above twenty and under forty, seven and one-half cents each is paid; where the number is above forty and under fifty, five cents is paid; where the number is above fifty, no additional compensation is allowed.

Since the state still allows the same amounts for food and provides additional compensation to the sheriffs for their services in preparing the food, one is forced to ask why the sheriffs gather in conference now and propose a return to the old system.

The answer is: The sheriffs engaged in this movement want the old law because it will mean additional revenue to them. It may be proper for public officials to seek to increase their emoluments, but I do not believe the people of Alabama or their representatives will stand for the return of a system which means fat purses for the sheriffs and empty stomachs for their prisoners.

The men who will become sheriffs January 15 can not furnish any argument in support of their proposal. When they were candidates for their positions in 1922 they knew the law. They knew they would be required to expend the state funds for food. They knew the feeding of prisoners would mean no great profit to them other than the fees expressly provided by law. A great majority of them are connected with sheriff's offices now and understand the law.

If the feeding law is repealed prisoners will be at the mercy of the sheriffs. In many counties there will be a return to the plan of giving only two meals a day and corn bread and syrup will become the daily menu. There will be no authority which can tell the sheriffs that they are starving these who are supposed to receive their protection, those who can not raise their voices in opposition because their voices can not go beyond the confines of the prisons which hold them.

This is not a new subject in Alabama. In 1906 Dr. Shirley Bragg wrote as follows:

"To see a man strong and healthy go into a jail in Alabama and in a few months come out a physical and mental wreck with death staring him in the face is not an overdrawn picture, and one seen more often than the general public would believe. The State appropriates thirty cents a day for the feeding of prisoners, and yet we receive prisoners from these same jails who are on the verge of a collapse for the want of nourishment. Surely there must be some way of reaching those in authority. There should be a jail inspector, perhaps two, with the power and authority to see that these places are kept in proper condition and that prisoners are properly fed. These inspectors should be men who know something about sanitation, and above all who would be fearless in the performance of their duties."

Dr. C. F. Bush, in 1909, made the following statement:

"The State of Alabama appropriates from thirty to forty cents per day (A sliding scale) for feeding prisoners. It is plain that the intent of the law is that each prisoner is to get that amount of food per day, but a very different condition exists. In the majority of jails the prisoners are given two meals per day—in a few jails three—and it is plain they are fed as cheaply as possible in order that the sheriffs may have a wide margin of profit on the feed bills. I have had several sheriffs to admit to me that, without the profit from the feed bill, they would not have the office, as it was one of their greatest sources of revenue."

In 1916 the following criticism of the old system was made by Dr. W. C. Oates:

"The law regulating the fees of the sheriffs for feeding prisoners in the jails in Alabama can be characterized by one word only—'Damnable.'"

Dr. Glen Andrews has written:

"This law relating to the feeding of prisoners which the legislature undoubtedly intended to result in the prisoners being amply fed, resulted in some cases in starvation. It has legalized graft. It has made the fee for feeding the most lucrative perquisite in the sheriff's office. A number of sheriffs have told me that but for the feed bill the office of sheriff would not be worth anything to them."

Dr. C. H. Smith wrote November 4, 1922, as follows:

"Having been connected with the Convict Department at intervals since 1902 as local physician and for the last two years as physician inspector, I have had the opportunity of observing and examining all new arrivals in

the penitentiary. I wish to state that there is quite a contrast in the general appearance and physical condition of men on their reception now than that of a few years back. Formerly they made their appearance pale, weak and anemic, and their bodies covered with ulcers due to having been confined in vermin ridden, insanitary and poorly ventilated jails and the lack of a sufficient amount of a well balanced food. The above conditions lowered their vitality and rendered them more susceptible to tuberculosis and other constitutional diseases and necessitated them being kept out of the mines and mills until they could regain a normal state of health. I have noted quite a change for the better along these lines for the last few years."

I hope this matter will receive your most earnest and careful consideration. I cannot conceive of your abandoning a system which protects the lives and health of the prisoners and conserves the funds of the State and returning to a system that threatens their lives and destroys their health. If the sheriffs are not adequately paid for their services let them be paid more out of the public funds, not out of the dinner pails of the prisoners who are helpless in their keeping.

Respectfully,

Thos. E. Kilby,
Governor.

January 15, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Tunstall the reading of the message from the Governor was dispensed with and 500 copies ordered printed.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the issuance of paroles, pardons, ect.

Respectfully,
W. A. Darden,
Secretary to the Governor.

January 15, 1923.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Legislature:

In compliance with the provisions of Section 124 of the Constitution, I send you herewith records showing my action in the matter of the remission of fines and forfeitures, and the issuance of reprieves, commutation of sentences, paroles and pardons, with my reasons therefor.

Respectfully,

Thos. E. Kilby,
Governor.

GOVERNOR'S MESSAGE.

The above message from the Governor was read, and, on motion of Mr. Tunstall, records as to paroles, etc., were received and filed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution:

By Mr. Craft:

S. J. R. 12. Be it resolved by the Senate, the House concurring, that a joint committee of 5 from the Senate and 7 from the House, be appointed by the President of the Senate and Speaker of the House to consider the Governor's message with reference to the Alabama Power Company's valuation.

And sends same herewith to the House; the appointment of the committee on part of the Senate to be made later.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate joint resolution No. 12, set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

ADJOURNMENT.

On motion of Mr. Tunstall the House adjourned until 10 o'clock, Tuesday, January 16th, 1923.

FOURTH DAY.

House of Representatives,
Montgomery, Ala., January 16th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. C. H. Bolton of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Burton	Dunwoody	Graves
Adams	Byars	Elliott	Grove
Adcock	Calloway	Fanning	Guy
Arrington	Cato	Ferrell	Hall
Ashcraft (Fayette)	Christian	Fite	Hampton
Ashcraft (Lauderdl.)	Coleman	Forman	Hatter
Bealle	Cook	Gaines	Hawkins
Blackwell	Culver	Glass	Henley
Bowen, Lewis	Cunningham	Glenn	Henson
Bowen, L. K.	Deloney	Glover	Hornshy
Boykin	Dickinson	Goode	Howard
Burns	Dowdle	Goodwyn	Howze

Hubbard	Norman.	St. John	Tunstall
Jeter	Odom	Sanders (Conecuh)	Tyson
Jones	Parker	Sanders (Pike)	Varner
Kilpatrick	Patterson	Sessions	Verner
Lee	Pickens	Smith (Clay)	Walker
LeMaistre	Poole	Smith (Jefferson)	Wall
Letson	Posey	Smith (Lee)	Walton
Long	Powell	Snodgrass	Ware
Love	Ringer	Sollie	Mrs. Wilkins
Luck	Rives	Stewart (Bibb)	Williams
Mooneyham	Rountree	Stewart (Calhoun)	Wyatt
Moxley	Russell	Thompson (Jackson)	Young
Nichols	Rutherford	Tiller	

—99

A quorum was present.

LEAVE OF ABSENCE.

Was granted indefinitely to Messrs. Embry, Moorer, Melton, Hodson on account of sickness.

JOURNAL.

The acting chairman of the Standing Committee on the Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal beg leave to report that we have examined the Journal of the House for the First, Second and Third Legislative Days and find the same to be correct.

W. P. Letson,
Acting Chairman.

The report of the committee was concurred in and adopted and the Journals for the First, Second and Third Days were approved.

RECESS.

The House took a recess for one hour for the Rules Committee to meet.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Hon. Edward Doty and Rev. E. B. Smith for today.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution and sent same herewith to the House:

By Mr. Martin:

S. J. R. 22. Be it resolved by the Senate, the House concurring, that the House and Senate have a joint session at 11 A. M., January 16th, for the purpose of hearing Gov. W. W. Brandon deliver his message in person to the House and Senate.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate message which is set out in the above and foregoing message from the Senate, and the Speaker named on part of the House to notify the Governor, Messrs. Fite, Tunstall and Arrington.

The Lieutenant Governor, on part of the Senate, appointed Messrs. Brown and Griffith.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution and sent same herewith to the House:

By Mr. Duncan:

S. J. R. 15. Be it Resolved by the Senate of Alabama, the House concurring, that the Legislature go on record as favoring the acceptance of the Ford offer for Muscle Shoals and that a committee of five members, two from the Senate and three from the House, be appointed with instructions to draft a resolution urging Congress to accept said offer.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the resolution which is set out in the above and foregoing message from the Senate:

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolutions, and sent same herewith to the House:

By Mr. Craft:

S. J. R. 21. Whereas, the people of the State of Alabama should be more fully informed and acquainted with the benefits to be derived from a merchant marine; therefore,

Be it resolved, that the Senate, the House concurring, do hereby extend a cordial invitation to Admiral Benson, Senator Chamberlain and the Honorable Frederick I. Thompson, of the United States Shipping Board, to address the joint session of the Legislature at their earliest convenience on the important

question of the benefits of a Merchant Marine and the economic good to the State of Alabama and the people of America of a ship subsidy to keep the American Flag afloat on the Seas of the World, and that the said resolution be forthwith sent to the House for immediate concurrence and that the Governor of Alabama is hereby requested to transmit these resolutions to the above mentioned gentlemen.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate joint resolution set out in above and foregoing message from the Senate was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Stewart of Bibb:

H. 1. To fix and prescribe the salary of the Governor of Alabama and the manner of paying the same.

Ways, Means and Appropriations.

By Mr. Long:

H. 2. To make it unlawful for any person holding public office in this State, including persons employed by or connected with educational institutions of this State, whose salary or compensation is as much as \$600.00 or more, per annum to lobby or electioneer with any member or members of the Legislature regarding any legislation pending or to be introduced into the Legislature.

Judiciary.

By Mr. Long:

H. 3. To allow to convicts sentenced to the penitentiary such time as was spent in jail, after sentence and pending final adjudication of appeals, as a part of their sentences, provided that in such cases no release from jail was provided for or permitted by appeal bond or otherwise.

Penitentiary and Criminal Administration.

By Mr. Long:

H. 4. To amend section 7514 of the Code of Alabama of 1907.
Revision of Laws.

By Mr. Walton:

H. 5. To amend section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Penitentiary and Criminal Administration.

By Mr. Sessions. (With Notice and Proof) :

H. 6. To provide for the election of a county superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.
Education.

Notice and proof H. 6.

NOTICE OF LOCAL LAW TO ELECT COUNTY SUPERINTENDENT OF EDUCATION OF COFFEE COUNTY.

Notice is hereby given that at the next regular session of the Legislature of Alabama to convene in January, 1923, a bill will be introduced for passage and enactment into law providing in substance as follows:

To provide for the election of the County Superintendent of Education of Coffee County, Alabama, by the votes of the qualified electors of Coffee County at a special election to be held after the passage of said law and within three months thereafter, to fix his term of office and salary and provide the manner of payment thereof; to prescribe his duties, powers and to fix his qualifications for such office; to provide for the election of his successor every four years, and to repeal all laws in conflict with said act.

H. M. Sessions,
Representative of Coffee County.

State of Alabama, }
Coffee County, }

Before me, the undersigned authority in and for said County and State, this day personally appeared H. A. DuBose, who, being first duly sworn to speak the truth, deposes and says: That he is Editor of The People's Tribune, a newspaper published in Coffee County, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a Notice of a Local Law for Coffee County, was published in The People's Tribune, giving notice of intention to introduce bill in Legislature, for four weekly issues in successive order and beginning on Nov. 16, 1922, and ending on December 7, 1922, inclusive.

H. A. DuBose,
Editor.

Subscribed and sworn to before me this the 4th day of Jan. 1923.

J. V. Wright,
Notary Public.

By Mr. Sessions (with notice and proof) :

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

Local Legislation.

Notice and proof H. 7.

NOTICE OF LOCAL LAW.

Notice is hereby given that at the coming regular session of the 1923 Legislature of Alabama a bill will be introduced for passage and enactment into law for Coffee County the substance of which will be:

To create the office of County Treasurer for Coffee County, Alabama, to define the duties of said office; to fix the term of office and pre-

scribe the salary; to provide for the election of the County Treasurer by the votes of the qualified electors of Coffee County in a special election to be held after the passage of said law and at general elections thereafter, and to repeal all laws in conflict with such local law.

H. M. Sessions,
Representative of Coffee County.

State of Alabama, Coffee County.

Before me, the undersigned authority in and for said County and State, this day personally appeared H. A. DuBose, who, being first duly sworn to speak the truth, deposes and says: That he is Editor of The People's Tribune, a newspaper published in Coffee County, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a Notice of a Local Law for Coffee County, was published in The People's Tribune, giving notice of intention to introduce bill in Legislature, for four weekly issues in successive order and beginning on November 16, 1922, and ending on December 7, 1922, inclusive.

H. A. DuBose,
Editor.

Subscribed and sworn to before me this the 4th day of Jan. 1923.

J. V. Wright,
Notary Public.

By Mr. St. John:

H. 8. To repeal an Act entitled An Act to provide for the general revenue of the State of Alabama, approved September 15, 1919.

Ways, Means and Appropriations.

By Mr. Culver:

H. 9. To provide for the withdrawal of any deposit of mutual aid or industrial association or corporation with the State when such corporation or association ceases to do business in the State and reinsures its policy holders in this State.

Banking and Insurance.

By Mr. Henley (with notice and proof):

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Local Legislation.

With notice and proof H. 10.

LEGAL NOTICE.

State of Alabama, Escambia County—City of Brewton.

Legal notice is hereby given under Section 106 of the Constitution that the Court of County Commissioners of Escambia County, Alabama, will apply to the next Legislature of Alabama, to be held at Montgomery at the coming Session beginning January, 1923, for the passage of a law, the substance of which is, as hereinafter set out and shown; this notice is published without cost to the State in Escambia County, Alabama, where the matter or thing affected by said law is situated, said notice is published either in The Brewton Standard or The Atmore Record, or both, which are newspapers published in said County, once a week for four consecutive weeks after the date hereof; the substance of said law is as hereinafter set out and shown, and is made a part hereof, as follows:

AN ACT.

To validate the levy of the five mill County tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Be it enacted by the Legislature of Alabama:

Section 1. That the minutes and proceedings, acts, and contracts heretofore made by Escambia County, and its Court of County Commissioners since January 1st, 1919, are hereby ratified and made valid; especially all County contracts made with the various Banks in said County for borrowing money used for lawful County purposes such as the maintenance and improvement of the County public roads and bridges and other like lawful purposes including the annual orders of said Court made for the levy of the (5) five mill County tax authorized in the first part of Section 215 of the Constitution, in which orders said County has levied (2) two mills of said tax for general County current expense, and for the County general fund, and (2) two mills of said tax for the maintenance of County roads and bridges heretofore voted by the people for that purpose under a law authorizing said vote, and ($\frac{1}{2}$) one-half mill of said tax to pay the appropriations and expenses made for the eradication of cattle ticks and to create a County cattle tick fund against which have been drawn and registered (6%) six per cent interest bearing cattle tick County warrants, and ($\frac{1}{2}$) one-half mill of said tax for the County Health Fund and for the maintenance of County Health Unit, and All-time Health Officer. Said Court is authorized to levy all of said taxes hereafter in the same manner said taxes have been heretofore levied and shall levy the same in such manner hereafter as said Court may deem best to protect the interest and credit of the County and to keep said County on a cash basis.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Witness this the 21st day of November, 1922.

Court of County Commissioners of Escambia County, Alabama.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, Escambia County, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for 4 consecutive weeks on the following dates, to-wit: Nov. 30, 1922, Dec. 7, 1922, Dec. 14, 1922, Dec. 21, 1922.

W. E. Brooks,

Publisher of The Brewton Standard.

Sworn to and subscribed before me this Dec. 21, 1922.

C. B. Sawyer,

Notary Public.

(SEAL)

By Mr. Henley:

H. 11. To amend an Act approved February 7, 1919, and entitled, An Act to establish and provide for State-wide eradication of the cattle fever tick, and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals, being general Act No. 29, and found on pages 29, 30, 31 and 32, of the General Acts of Alabama, for the year 1919.

Agriculture.

By Mr. Henley (With notice and proof) :

H. 12. To appropriate the sum of One Hundred and Seventy-five (\$175.00) Dollars out of the State Treasury for the relief of Rev. J. E. Deer.

Ways, Means and Appropriations.

Notice and proof H. 12.

LEGAL NOTICE.

State of Alabama, Escambia County—City of Brewton, County Seat. Notice is hereby given under Section 106 of the Constitution that I will apply to the next meeting and session of the Legislature of Alabama to be held in Montgomery beginning in January, 1923, for the passage of a law as hereinafter set out and shown; this notice is published without cost to the State in Escambia County, Alabama, where I reside, and where the matter or thing affected by said law is situated; said notice is published in The Brewton Standard once a week for four (4) consecutive weeks hereafter, which newspaper is published in said county; said proposed law is hereinafter set out and shown and is made a part hereof.

Witness my hand on this, the 21st day of November, 1922.

Rev. J. E. Deer.

AN ACT

To appropriate the sum of One Hundred and Seventy-five (\$175.00) Dollars out of the State Treasury for the relief of Rev. J. E. Deer.

Be it enacted by the Legislature of Alabama:

Section 1: That, whereas, the Rev. J. E. Deer, of Escambia County, Alabama, a minister of the Gospel, did at the request of the State Chaplain, preach and labor among the State convicts at the Bagdad Land and Lumber Company, (after the Dixie Turpentine Company had gone out of business) in the years 1919 and 1920, for a period of fourteen (14) months without pay or reward and having paid all of his traveling expenses at his own private cost, and whereas it is not the policy of this State to require or receive such needed services without some compensation that is deemed reasonable, just and right, and:

Section 2. That, whereas, the reasonable compensation for said service is the sum of Twelve Dollars and Fifty Cents (\$12.50) per month, and said Deer is due in equity and good conscience from the State said sum, amounting to One Hundred Seventy-five (\$175.00) Dollars, therefor;

Section 3. That there is hereby appropriated for the relief of said Rev. J. E. Deer the sum of One Hundred Seventy-five (\$175.00) Dollars out of the monies in the State Treasury not otherwise appropriated; and the State Auditor is hereby authorized and directed to draw his warrant upon the State Treasurer of the State of Alabama in favor of said Deer for said sum and the Treasurer of the State of Alabama will pay said sum out of monies in the State Treasury not otherwise appropriated.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, Escambia County, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit:

November 30th, 1922; December 7th, 1922; December 14th, 1922, and December 21st, 1922.

M. E. Brooks,

Publisher of The Brewton Standard.

Sworn to and subscribed before me this 21st day of December, 1922.

C. B. Sawyer,

Notary Public.

By Mr. Henley (with notice and proof):

H. 13. To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

Education.

Notice and proof H. 13:

LEGAL NOTICE.

State of Alabama, Escambia County—City of Brewton, the County Seat. Legal notice is hereby given under section 106 of the Constitution that I will apply to the Legislature of Alabama, to be held at Montgomery at its next session beginning January, 1923, for the passage of a law the substance of which is as hereinafter set out and shown; this notice is published without cost to the State in Escambia county, Alabama, where the matter or thing affected by said law is situated; said notice is published in one, or both, The Brewton Standard and The Atmore Record, weekly newspapers, once a week for four consecutive weeks hereafter, both of which newspapers are published in said county; the substance of said proposed law is as hereinafter set out and shown in substance, and the same is made a part hereof; witness my hand on this the 21st day of November, 1922.

J. H. L. Henley,

County Representative.

AN ACT

To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act Escambia county shall be and is divided into four educational districts, No. 1, 2, 3 and four, each of said districts shall coincide with, have the same boundary lines, and be the same districts No. 1, 2, 3, and 4 now in said county from which are elected the four members of the court of county commissioners of said county.

Section 2. That one member of said county board of education shall reside in and be elected from each of said four districts by the qualified voters in said district, at the expiration of the several terms of the present members of said county board of education, and according as they severally expire; except that the chairman of said board may reside in any of said districts and shall be elected from the county at large by the voters in all of said districts. That is, to say, that at the election in the year 1924 when the term of one of the members on said board expires, a new member shall be elected on said board from said district No. 1; that at the election in the year 1926 when the term of two members on said board expires there shall be elected the chairman of said board and also one member on said board

from said district No. 2; that in the year 1928 when the term of two members on said board expires there shall be elected one member on said board from said district No. 3, and one member on said board from said district No. 4.

Section 3. That the terms of all members elected on said board under the provisions of this Act shall be six years as now provided by law.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, Escambia county, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for 4 consecutive weeks on the following dates, to-wit: November 30th, 1922; December 7th, 1922; December 14th, 1922; December 21st, 1922.

W. E. Brooks,

Publisher of The Brewton Standard.

Sworn to and subscribed before me this 22nd day of December, 1922.

(Seal)

C. B. Sawyer,

Notary Public.

By Mr. Henley:

H. 14. To provide that county superintendents of education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

Education.

By Mr. Henley:

H. 15. For the betterment of county funds and finances, and to amend section 72 of the general revenue law, approved September 15, 1919, entitled "An Act to provide for the general revenue for the State of Alabama," which section 72 is found on page 307, and 308, of the General Acts of 1919, for that purpose.

Ways, Means and Appropriations.

By Mr. Tunstall:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new Code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Judiciary.

By Mr. Glover:

H. 17. To amend section 4288 of the Code of Alabama.

Revision of Laws.

By Mr. Glover:

H. 18. To further provide for the procuring for use in the public schools of Alabama of a uniform series of text books, to provide for their publication, to provide for their distribution, and to provide for their sale to school children at actual cost of manufacturing; to further define the powers and duties of the State Text Book Commission; and to provide for appropriations

for the carrying into effect this act, and to provide pains and penalties for the violation of same.

Education.

By Mr. Glover:

H. 19. To further provide for construction and maintenance of the public roads and bridges of Alabama now and hereafter under jurisdiction of the several courts of county commissioners and other like governing bodies of their respective counties, by levy, collection and expending a gasoline tax, and to provide penalties for violations of this act, and to repeal all laws and parts of laws in conflict herewith.

Public Roads and Highways.

By Mr. Glover:

H. 20. To repeal section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

Revision of Laws.

By Mr. Howze:

H. 21. To establish and to provide for the construction, maintenance, and operation of a tuberculosis sanatorium.

Public Health.

By Mr. Howze:

H. 22. Relating to desertion or non-support of wives by husbands and of children by parents in all counties of this State which now have a population of two hundred thousand, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter, and in which counties the circuit court is now or may hereafter be composed of one county and which courts now have or which may hereafter have a division of domestic relations; to make it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or her child or children under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment or designation of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in

certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; to fix the time when this act shall go into effect.

Judiciary.

By Mr. Howze:

H. 23. Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as two hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, and in which counties the circuit court is now, or may hereafter be composed of one county, and in which the circuit court of such counties now has, or in which said circuit court shall hereafter have a division of domestic relations; to define who are dependent, neglected, or delinquent children; to declare that such children shall be wards of the circuit court of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such circuit courts in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this act, and to confer upon such courts full power and authority to try and determine all such questions, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to confer upon such courts authority to make such rules and regulations and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the detention home or parental school, or for the conduct of probation officers or their work as provided for in this act; to make it a misdemeanor by act, or omission, or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect or delinquency of such children, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunctions in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this act in dealing with the children described herein shall be in equity, and civil in their nature and to regulate same; to provide for the trial of any delinquent child as defined by this act, in a criminal court of competent

jurisdiction when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a detention home or parental school, and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this act; to provide for the appointment of a referee or referees, and to define their powers and duties; to declare when this act shall take effect, that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent, or in conflict with this act.

Judiciary.

By Mr. Howze:

H. 24. Relating to circuit courts composed of one county, and which counties now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have a population of two hundred thousand people, or more, according to any such census hereafter taken; to confer additional jurisdiction on such courts, and the judges thereof, and to provide the means and manner of its exercise; to create in such courts, in addition to the divisions which such courts now have, a division of domestic relations; to provide what cases shall, and shall not, be docketed and tried in such divisions; to further regulate the procedure in such courts, and to authorize the judge of said domestic relations divisions; to determine the form of its records, and to adopt rules of procedure not otherwise provided for herein; to provide for the appointment and subsequent election of a judge to preside over said divisions, which judge shall be in addition to the judges now provided by law for such courts, and to provide for his compensation; to provide for the performance of the duties of registers, clerks and deputies for such divisions and their necessary office help, and for their compensation; to provide for juries and jury trials in such divisions; to provide that such domestic relations division shall hold its sessions both at the county site, and at such other place in such counties as sessions of a branch or division of said circuit courts are now held in such counties, and to fix the time that such domestic relations division of said courts shall be held at said respective places; to provide for the appointment of a deputy solicitor for such division; and for his compensation; to provide for the stay or suspension of sentences, and for the probation of offenders, who plead guilty, or are convicted in such domestic relations divisions; to provide that the said domestic relations divisions of such courts shall always be open for the

transaction of the business of such divisions; to provide for vacation periods for the judges of such divisions, and for the manner of supplying a judge for such division during such vacation, or other absence; to regulate the taxing of costs in such divisions, and the effect thereof as to the compensation of the officers and employees of said domestic relations divisions; to regulate appeals from judgments and decrees rendered in such divisions; to provide for the transfer to the jurisdiction of such courts all causes pending in juvenile courts in such counties, and all wards and probationers of such courts; to provide that if any section or other part of this act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this act, and to designate when this act shall take effect.

Judiciary.

By Mr. Howze (with notice and proof):

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville road extending from the west side of Sixteenth street north to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

Municipal Organizations.

Notice and proof H. 25:

State of Alabama, }
Jefferson County. }

P. A. Lavallet, being duly sworn deposes and says that he is business manager of the Birmingham Age-Herald, a daily newspaper published in the city of Birmingham in Jefferson county, Alabama, and that the following notice was duly published in said Birmingham Age-Herald once a week for four consecutive weeks, viz., on December 21st and December 28th, 1922, and on January 4th and January 11th, 1923.

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at its next session, to enact a law to vacate and annul the dedication to public use of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville Road extending from the west side of Sixteenth street, north, to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street. The city of Birmingham has heretofore consented to such vacation and by agreement made between the undersigned and the said city of Birmingham another street has been opened through the property of the undersigned and dedicated to public use to take the place of the street so to be vacated.

American Cast Iron Pipe Co.

Affiant further states that said publication was made without cost to the State of Alabama or to Jefferson county, Alabama.

P. A. Lavallet.

Sworn to and subscribed to before me this 19th day of January, 1923.

Susan E. Wright,

(Seal)

Notary Public.

By Mr. Howze (notice and proof):

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama; beginning at a point on the southwest (SW) line of Thornton street where the center of Motley avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Municipal Organizations.

Notice and proof H. 26:

State of Alabama, }
Jefferson County. }

P. A. Lavallet, being duly sworn deposes and says that he is business manager of the Birmingham Age-Herald, a daily newspaper published in the city of Birmingham in Jefferson county, Alabama, and that the following notice was duly published in said Birmingham Age-Herald once a week for four consecutive weeks, viz.: on December 21st and December 28th, 1922 and on January 4th and January 11th, 1923.

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at its next session, to enact a law to vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama: Beginning at a point on the southwest line of Thornton street where the center of Motley avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Connors Steel Company.

Affiant further states that said publication was made without cost to the State of Alabama or to Jefferson county, Alabama.

P. A. Lavallet.

Sworn to and subscribed to before me this 19th day of January, 1923.

Susan E. Wright,
Notary Public.

(Seal)

By Mr. Howze:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Judiciary.

By Mr. Howze (with notice and proof):

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65) and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said

Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Ways, Means and Appropriations.

Notice and proof H. 28:

NOTICE TO THE PUBLIC

Notice is hereby given that it is the intention of the city of Bessemer, Jefferson county, Alabama, to apply to the 1923 session of the Legislature of Alabama, for the passage of the following special, private, or local law, in substance, to-wit:

"AN ACT

"To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921 term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacy Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickins, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Whereas, on the 22nd day of March, 1921, the board of revenue of Jefferson county, Alabama, did adopt a resolution by which it provided for the building of a paved highway through the city of Bessemer, Jefferson county, Alabama, passing by the court house, and designating the streets and avenues along and over which said highway should be constructed, the actual construction to be done by the said city of Bessemer, and the county to pay for the construction of twenty feet in width of said highway, which has been done, and,

"Whereas, at the time of the selection of the route for the said highway the city of Bessemer was just completing the paving of a part of the route so selected, and the said board of revenue of said Jefferson county did adopt the following as a part and parcel of said resolution, to-wit: "And, whereas, that part of the said route selected for said highway from the A. G. S. Railroad to First avenue on 19th street, on First avenue from 19th to 18th street, and on 18th street from First avenue to the west side of Fifth avenue, has recently been paved by the said city of Bessemer, with Warronite bitulithic on a five-inch concrete base, and it was tentatively agreed by the former board of revenue, that the county would pay for twenty feet in width of such paving along the route selected for such highway and make same a part thereof, and we deem it but right and fair that the county should pay for twenty feet in width of such paving already laid along the route of said highway, and thus carry out said tentative agreement;

"Now, therefore, be it further resolved by the board of revenue of Jefferson county, Alabama, that the county shall pay to the said city of Bessemer, the cost of twenty feet in width of said paving so constructed on 19th street, First avenue, and 18th street, along the line of said highway; such payment to be made when the contract is completed and pavement is accepted by the city;"

And, whereas, pursuant to said resolution the county engineer did make an estimate covering the said paving so to be paid for by said county, amounting to \$19,667.65, which was submitted to the said board of revenue, on said October 20th, 1921, and the aforesaid warrant or voucher was drawn and issued to the said city of Bessemer, in payment for the said paving, same having been paid for by the said city of Bessemer, and,

Whereas, the said warrant or voucher was duly presented to Mr. M. V. Henry, treasurer of said Jefferson county, Alabama, for payment, who declined to pay same, after having submitted the legality thereof to his attorney, who advised him that he could not legally pay the same on account of the fact that there was no contract existing between the county and the city at the time the city let the particular contract for the doing of this part of the work, and,

Whereas, it is recognized that said warrant or voucher represents a debt that is just and equitable, the only question being the technical invalidity of said warrant or voucher, therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That county warrant or voucher number 1583 of Jefferson county, Alabama, issued at the October 17th, 1921 term of the board of revenue of Jefferson county, Alabama, Bessemer division, payable to the city of Bessemer, or order, for the sum of nineteen thousand six hundred and sixty-seven and 65/100 (\$19,667.65) dollars, dated October 17th, 1921, as for paving work done on Jefferson county highway through the city of Bessemer, to October 17th, 1921, as per contract between the city of Bessemer and Jefferson county, and as per statement attached to said voucher or warrant of Claud Rogers, county highway engineer, and signed by Lacey Edmundson, pro tem president, board of revenue, and countersigned by J. W. Pickens, clerk, be, and the same is hereby ratified, confirmed, validated and made legal, effective and binding as the legal warrant or voucher of said Jefferson county, Alabama.

Section 2. Be it further enacted, that the county treasurer of said county, or the acting treasurer or person, firm or corporation acting as treasurer of said county, be, and he, it or them are hereby required and directed to recognize and treat said warrant or voucher, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same to said city of Bessemer or its order, together with interest thereon at the legal rate, out of such funds as may be available for that purpose.

This the 3rd day of November, 1922.

City of Bessemer, Ala.,
By R. P. McTyeire, Mayor.

The State of Alabama, }
Jefferson County. }

Before the undersigned authority, personally appeared A. K. Williamson, who having been by me duly sworn, deposes and says that he is the editor and publisher of The Bessemer Advertiser, a newspaper published in the city of Bessemer, Jefferson county, Alabama; that said newspaper is of general circulation in said county; that the notice, a copy of which is hereto attached and made a part of this affidavit, was published for four consecutive weeks, on the 9th, 16th, 23rd and 30th of November, 1922. Said notice being published by the city of Bessemer, Alabama, and giving notice that it was the intention of said city of Bessemer, to apply to the 1923 session of the Legislature of Alabama for the passage of the law set out in said notice, as shown in the copy hereto attached.

A. K. Williamson.

Sworn to and subscribed before me this the 14th day of December, 1922.

(Seal)

B. C. Jones,
Notary Public.

By Mr. Howze:

H. 29. To validate, ratify and confirm all change in location or vacations, or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the municipal authorities of the city within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Municipal Organization.

By Mr. Howze:

H. 30. To amend section 6032 of the Code of Alabama.

Revision of Laws.

By Mr. Howze:

H. 31. To empower municipal corporations to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment, and define the authority, powers and functions of such board of zoning adjustment, its procedure, and a review of its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this act.

Municipal Organization.

By Mr. Jeter:

H. 32. To repeal section 2069 of the Acts of 1907.

Revision of Laws.

By Mr. Fite:

H. 33. To prevent State officers from employing in positions of trust in their department of State persons related to them by consanguinity within the fifth degree and by affinity within the third degree.

Judiciary.

By Mr. Fite (with notice and proof):

H. 34. For the relief of George W. Courson, former constable of Precinct 9, Jefferson county, Alabama.

Ways, Means and Appropriations.

Notice and proof H. 34:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, which convenes in January, 1923, in substance as follows:

"A bill, to be entitled 'An Act for the relief of George W. Courson, former constable, of Precinct 9, Jefferson county, Alabama.'

Whereas, George W. Courson, as constable of Precinct 9, Jefferson county, Alabama, did in good faith, and under color of his office, cite for registration dogs in Jefferson county outside of Precinct 9; and

Whereas, the said George W. Courson, as such constable, did incur great expense in said work, and did render good and effective service under the law known as the Dog Law; and

Whereas, the clerk of the circuit court of Jefferson county, Alabama, has collected and now holds in his hands the sum of four thousand two hundred seven dollars and fifty cents (\$4,207.50), which moneys came into his hands as constable's fees earned by the said George W. Courson in citing for registration in said county dogs outside of Precinct 9, as aforesaid, which said fees he, said George W. Courson as such constable has never received;

Now, therefore, be it enacted by the Legislature of Alabama, that the clerk of the circuit court of Jefferson county, Alabama, be and he hereby is authorized and directed to pay over to the said George W. Courson, as such former constable of Precinct 9, Jefferson county, Alabama, and for his relief, the said sum of four thousand two hundred seven and 50/100 dollars (\$4,207.50) on account of the matters hereinbefore mentioned, immediately on approval of this Act.

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority, personally appeared A. H. Cather, who being by me duly sworn, deposes and says that he is the editor and publisher of Southern Labor Review, a paper published in Birmingham, Jefferson county, Alabama. Affiant further deposes and says that the foregoing and attached notice was printed in said Southern Labor Review four consecutive issues, for a period of four consecutive weeks on the following dates: December 13th, December 20th, December 27th, 1922, and January 3rd, 1923.

A. H. Cather,
Editor and Publisher.

Sworn to and subscribed before me this the 6th day of January, 1923.

Helene Sykes,
Notary Public.

By Mr. Fite (with notice and proof):

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and second street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between

Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue; from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake: and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Municipal Organizations.

Notice and proof H. 35:

NOTICE.

Notice is hereby given of the intention to apply for the passage of a local law by the Legislature of Alabama at its approaching session, the substance of which law will be that the dedication of the following portions of streets, avenues and alleys in Jefferson County, Alabama, shall be vacated and held for naught, to-wit:

That part of Walker avenue which lies between "A", or 68th street, and Second, or 70th street; that part of First, or 69th street, which lies between Underwood avenue and Walker avenue; the alley between Underwood Avenue and Walker avenue from "A", or 68th street, to Second, or 70th street.

Said streets, avenues and alleys are shown by the map of the survey of the Walker Land company of its lands near East Woodlawn, and by the map of the survey of the East Lake Land Company of East Lake.

It will further be provided in said act that after its passage such portions of said streets, avenues and alleys shall cease to be highways and that the land embraced in the same shall vest in the abutting property owners; and that such act shall go into effect on its passage.

Robert Jemison, Sr.

Dec. 16-23-30-Jan. 6.

State of Alabama, }
Jefferson County. }

J. H. F. Mosley, being first duly sworn, deposes and says that he is Editor and Publisher of the Labor Advocate Publishing Company, which publishes the Labor Advocate, a newspaper regularly published in the City of Birmingham, Alabama, and that the attached notice was published in the issues of such newspaper of the following dates, to-wit: December 16th, 1922, December 23rd, 1922, December 30th, 1922, January 6th, 1922.

J. H. F. Mosley.

Subscribed and sworn to before me, this the 6th day of January, 1923.

Mary Mosley,
Notary Public.

(SEAL)

By Mr. Fite:

H. 36. To authorize corporations organized under the laws of the State of Alabama, engaged in the business of lending money under special plans, to become industrial saving banks under and subject to the regulation, examination and supervision of the banking department of the State of Alabama and to regulate and provide for the business and taxation of such industrial savings banks.

Banking and Insurance.

By Mr. Wall (with notice and proof) :

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Notice and proof H. 37:

NOTICE.

Notice is hereby given by Young Wall, the undersigned, of his intention to apply to the Legislature of Alabama, which convenes in General Session on the second Tuesday in January, 1923, for the passage and the enactment of a bill to repeal an act of the Legislature approved September 14, 1915, and which act is substantially as follows:

"AN ACT"

To provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such position.

Section 1. Be it enacted by the Legislature of Alabama,

That the Court of County Commissioners of Limestone County shall within six months after the approval of this Act elect a County Engineer who shall be the Superintendent of public roads for said county; he shall be provided with a properly furnished office in the County Court House or elsewhere in the County Seat, and shall hold his office subject to the pleasure of the Court of County Commissioners. The said County Engineer shall have charge of the location, construction, improvement and maintenance of the public roads, bridges and ferries of the county, subject to the general direction of the Court of County Commissioners; he shall be the custodian of the records of the county concerning roads and bridges, except as herein provided; he shall elect all of his subordinate employees, subject to approval of the County Commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed except by a specific resolution of the Court of County Commissioners duly entered on the minutes. The County Engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the Court of County Commissioners provided that he may with the consent of the County Commissioners, do surveying or engineering work for private parties for which services he shall charge such fees as the Court of County Commissioners shall direct and shall pay such fees into the county road and bridge fund. The salary of County Engineer shall be fixed by the court of County Commissioners, provided that the salary shall not be less than \$1,500.00 per annum, payable monthly. Said Engineer, before taking office, shall furnish the county with surety bond in the sum of (\$2,000.00) two thousand dollars.

Section 2. That no person shall be eligible to hold the office of County Engineer unless he is a competent civil engineer and experienced in the construction of roads; and unless he shall pass satisfactorily an examination designed to test his fitness for such office. Said examination shall be held under the direction of the State Highway Commission or Engineer and under such regulations as it may prescribe.

Section 3. That before any work is done in the construction or improvement of any bridge or road, except necessary maintenance work, the Engineer shall make such surveys as may be necessary. Shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimate of the cost for the approval of the court of County Commissioners with a recommendation as to the best method of doing the work. The Court of County Commissioners shall pass upon said plans, specifications and estimate and when said plans and specifications are approved, the County Engineer shall be authorized to proceed with the work by contract or by force account as the Court of County Commissioners shall direct. If the Court of County Commissioners determine to do such work by contract the County Engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama, and by posting copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified checks required and the time and place at which bids will be opened. The Court of County Commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into a contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, provided that the Court of County Commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Section 4. That the Court of County Commissioners may enter into a contract with a contractor for the construction, repair or maintenance of any road, bridge or ferry, or any appurtenance there to provide that all contracts for construction work be let under the preceding provision of this act.

Section 5. That any contractor employed to construct or maintain any road, bridge, ferry or any appurtenance there to shall before entering upon the execution of such work execute a bond payable to the County of Limestone for twice the amount of the contract price; said bond to be made by a surety company approved by the Court of County Commissioners and conditioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Section 6. That if the county, any municipality, corporation or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond to recover such damages as they may have suffered.

Section 7. That the Court of County Commissioners shall have authority to purchase such materials, supplies, teams, and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The County Engineer shall prepare requisitions for such material and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on each class of article required, and shall submit said requisition to the Court of County Commissioners, the County Engineer shall be authorized to purchase such approved article at prices not exceeding those specified in the requisition. The County Engineer with the approval of the Court of County Commissioners shall be authorized to employ such assistant engineers, inspectors, rodmen, foremen, overseers, laborers, artisans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the roads and bridges of the county. The County Engineer shall employ a sufficient number of per-

sons to systematically drag dirt roads in the county, as directed by the County Engineer and the Court of County Commissioners; shall fix the price for dragging so as to allow reasonable wages for the men and teams performing such service.

Section 8. That the County Engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, to be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant on the County Treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the County Engineer shall be made payable it shall have been previously authorized and approved by the Court of County Commissioners and shall be presented, with its corresponding original bill, to the Chairman of the Court of County Commissioners, who shall countersign said warrant, stamp same approved in his office. This file and that in the County Engineer's office shall be preserved as public record and they shall be delivered by the County Engineer and the Chairman of the Court of County Commissioners to their respective successors in office. The warrants issued by the County Engineer in accordance with the provisions of this Act, when countersigned by the Chairman of and stamped Approved by the Court of County Commissioners shall be paid by the County Treasurer and charged to the county road and bridge fund.

Section 9. That the Court of County Commissioners if they deem it advisable, may call upon the State Highway Engineer for advice shall be furnished free of charge and the said Court of County Commissioners shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary and when a bridge of unusual size or type of construction is to be built the Court of County Commissioners are authorized to employ a special engineer to design and supervise its construction.

Section 10. That the County Engineer shall prepare a map of the County showing the location of all public roads and indicating the character of improvement which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be made and deposited for safe keeping in the vault of the probate office; and said tracing shall be brought up to date monthly.

Section 11. That the Court of County Commissioners shall, with the advice of the County Engineer, classify all the public roads of the county into classes designed as First Class, Second Class and Third Class Roads. The lawful widths of rights of way of the several classes of roads shall be as follows; First Class roads, 50 feet. Second Class Roads, 40 feet; Third Class roads, 30 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the Court of County Commissioners in view of the requirements of traffic on each road; and the Court of County Commissioners may change the classification of any road or any specified part of a road at any time.

Section 12. That when a new road is to be constructed or the location of an existing road to be changed, the Court of County Commissioners shall pass a resolution directing the County Engineer to make a preliminary survey for said road, describing the terminal point of the said survey and appointing a time at which the Court of County Commissioners will meet to hear objections to location of said road or its classification. As soon as practicable after passage of such resolution, the County Engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within 200 feet of said road and any other improvements which may affect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the Engineer to publish a

notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection and giving the time when the Court of County Commissioners will meet to hear objections to the location of said road or its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the Court House, and by posting one copy at each terminal point of the survey. The Court of County Commissioners shall meet at the Court House at the time named in the said notice and after hearing objections to the location of said road or its classification, the said Court of County Commissioners may confirm said location, order it amended or abandoned, and said action shall be shown on its minutes.

Section 13. That the Court of County Commissioners may secure the right of way for roads by donations, purchase or by condemnation.

Section 14. That the Court of County Commissioners shall have the right, authority and power to condemn land for road purposes under the provisions of Article 1. Chapter 79 of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of land.

Section 15. That the convicts of the county may be worked upon the public roads, bridges, or ferries of the county or they may be worked under the direction of the Court of County Commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or from the state, or to contractors under contracts to be made between such contractors and the Court of County Commissioners or other county or the state.

Section 16. That the convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Section 17. That the Court of County Commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the gang between the several counties shall be arranged. The several counties entering into such agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Section 18. The Court of County Commissioners of Limestone county shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt or liability now existing or that may hereafter be created, for the erection, construction or road maintenance of necessary public buildings, bridges or roads, and such tax so levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purpose for which the same is so levied and collected.

Section 19. That all money received by the county from license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Section 20. That all male inhabitants of the county not under eighteen and not over forty-five years of age except those exempted by the following Section shall be required to work on the public roads of the county during each year for ten days of eight hours each; provided that he may pay in lieu of such personal service the sum of \$5.00 per year to be paid to the Judge of Probate not later than the 15th day of July,

said money to go into the county road and bridge fund, and shall be used only for the construction and maintenance of roads and bridges. The Judge of Probate shall furnish the County Engineer with a list of persons who pay the per capita tax in lieu of personal service.

Section 21. That the following persons shall be exempt from road duty: All women and all men under the age of eighteen and over the age of forty-five years: Any person who has lost an arm or leg; and all persons who by nature or disease are rendered incapable of performing hard labor, who shall procure a certificate of incapacity from the County Board of Health, sitting as a board.

Section 22. No person or hand is liable to work on any public road at a point on said road more than six miles from his residence, provided within the limit he may be required to work in any beat or precinct.

Section 23. That for the purpose of maintaining the public roads the Court of County Commissioners shall from time to time divide the County into a convenient number of road precincts and required the County Engineer to appoint one or more overseers for each precinct. The term of office of said overseers shall be one year; but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer the County Engineer shall appoint some person to fill out the unexpired term.

Section 24. That it shall be the duty of each overseer to take a census of the persons within the area assigned to him who are subject to road duty, giving age and color of each such person and the quarter section, farm or plantation on which he resides and to turn a list of such persons in to the County Engineer. Before entering upon his duties, each overseer shall subscribe to the Statutory oath to faithfully perform his duties, which oath may be administered by the County Engineer. The satisfactory performance of these duties shall exempt said overseer from road work or service for the length of time he serves.

Section 25. That the County Engineer will enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Section 26. That the County Engineer shall apportion such hands as do not pay the per capita tax to the roads nearest their places of residence. He shall employ a sufficient number of overseers at a rate not to exceed \$2.00 per day. The County Engineer shall go with each overseer over the road apportioned to him and point out the work to be done, and will furnish him with a list of road hands who will work under his direction.

Section 27. Persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a license of one and one-half dollars per month for each two horse wagon and three dollars per month for each four horse wagon so used in such hauling. It is not intended to require a license for private hauling connected with or usual to the ordinary operation of a farm, or anyone hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling forbidden without first procuring such license. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than (\$50.00) fifty dollars, to be paid in lawful money which fine when collected, shall be paid over to the road supervisor as part of the road fund.

Section 29. That all male inhabitants of the county between the ages of twenty-one and fifty years are subject to road duty under this Act as overseers.

Section 30. That any overseer who fails to perform his duty as such under the provisions of this Act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars.

Section 31. It shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish the overseer upon his application a list of male hands in their employ or living on their lands, and failing to do so, such person, firm, corporation or land owner shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Section 31½. Any apportioner, overseer or other person who fails to perform any duty required of him by this act or by the general laws of the State not in conflict with this act, shall be guilty of a misdemeanor and on conviction must be fined not less than ten nor more than fifty dollars.

Section 31¾. A county road and bridge fund is hereby created for Limestone County, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Section 32. That it shall be the duty of the Court of County Commissioners of Limestone County to have this Act printed for use of said Court and other Courts of the County and for the officers herein named.

Section 33. That as soon as practicable the Court of County Commissioners shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practicable results to the County.

Section 34. That within one year after the approval of this Act the Court of County Commissioners shall cause to be erected at the intersection and crossing points of all roads substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Section 35. That all laws and parts of laws not in conflict with this Act shall remain in full force and effect and all "local or special" laws and parts of "local" laws in conflict with the provisions of this Act are hereby repealed.

Approved September 14th, 1915.

Notice is hereby given by the undersigned that in order and for the purpose of repealing the above and foregoing act that a bill substantially as follows will be proposed and introduced in the Legislature of Alabama, which will convene in General Session on the second Tuesday in January, 1923, for passage, substantially as follows:

A BILL TO BE ENTITLED "AN ACT"

To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That the act of the Legislature of Alabama approved Sept. 14, 1915, entitled "An Act to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such positions," be, and the said act is hereby, expressly repealed.

Young Wall.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Fred Wall, a Notary Public in and for said County and State, R. M. Rawls, who being by me first duly sworn,

deposes and says that he is the owner and manager of The Alabama Courier, a weekly newspaper published at Athens, in said County and State; that notice, given by Young Wall, present representative in the Legislature from Limestone County, Alabama, of the intention to apply to the Legislature of Alabama, convening on second Tuesday in January, 1923, for the passage and enactment of a bill to repeal an act of the Legislature approved Sept. 14, 1915, which act was printed in full, and known as the local road law of said county, a true and complete copy of which is hereto attached, was published in said paper for four consecutive weeks, commencing on the 15th day of November, 1922, being the first issue; the second issue appearing on Nov. 22, 1922; the third issue appearing on Nov. 29, 1922; the fourth issue appearing on Dec. 6, 1922; that said publication was authorized by the said Young Wall, and published without cost to the State; that the intention to repeal was expressed in each issue of said paper, for particular language, see attached copy.

R. M. Rawls.

Sworn to and subscribed before me on this the 5th day of January, 1923.

(SEAL)

Fred Wall,
Notary Public.

This is to comply with Sec. 106 of the Constitution.

Young Wall.

By Mr. Goodwyn:

H. 38. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Judiciary.

By Mr. Goodwyn:

H. 39. To provide for the completion of the topographical survey and map of the State of Alabama.

Ways, Means and Appropriations.

By Mr. Normal:

H. 40. To provide for the registration of trade marks and to provide punishment for any infringements thereof.

Judiciary.

By Mr. Calloway:

H. 41. To define and regulate the business of Dry Cleaning and Dyeing in cities in the State of Alabama of over six thousand population according to the last Federal Census and any subsequent Federal Census, and to provide for the erection and maintenance of dry cleaning and dyeing buildings and establishments, and the inspection by the State of such buildings and establishments used for such purpose in such cities, and to provide ways and means for enforcing this Act, and penalties for the violation thereof.

Judiciary.

By Mr. Forman:

H. 42. To provide for the election of the County Superintendent of Education by the qualified electors of each County of the State of Alabama.

Education.

By Mr. Luck:

H. 43. To regulate in part the giving in of property for the assessment of taxes, and the assessment thereof.

Ways, Means and Appropriations.

By Mr. Pickens (with notice and proof):

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex officio Justice of the Peace therein to be called the Inferior Court of York.

Local Legislation.

Notice and proof H. 44:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to establish the inferior court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein, including the Notary Public ex-officio. Justice of the Peace, to be called the Inferior Court of York, and the substance of said act will be to abolish the office of Justices of the Peace and Notary Public ex-officio Justice of the Peace in said precinct and create in lieu thereof an inferior court for said precinct, which shall have and exercise all jurisdiction as now or may be hereafter conferred by general law on Justice of the Peace in all civil cases in which the amount involved does not exceed \$100.00, and in criminal cases in all misdemeanors and such preliminary jurisdiction as it is now or may hereafter be conferred on Justices of the Peace and shall provide for the appointment of a judge of said court by the governor, and to provide for the election of his successor and to fix the term of office and the qualification thereof, and to provide his duties and fix his compensation.

The State of Alabama, }
County of Sumter, }

Before me, H. J. Wallace, a Notary Public in and for said County and State, personally came S. E. Hill, who being first duly sworn deposes and says:

That he is the publisher of "The Sumter County Journal," a weekly newspaper, published at York, in Sumter County, Alabama; that the attached notice was published once a week for four consecutive weeks in said paper, having been published in the issues of December 15th, 22nd, 30th, 1922 and January 5th, 1923, without cost to the State.

S. E. Hill.

Sworn to and subscribed before me, this 6th day of January, 1923.

H. J. Wallace,

Notary Public, Sumter County, Alabama.

By Mr. Bealle:

H. 45. To ratify and confirm the charters and enlarge the powers of state conventions and associations of congregational religious churches that have been heretofore incorporated under

general or special laws of this State or that may hereafter be incorporated under general laws.

Revision of Laws.

By Mr. Bealle:

H. 46. To amend Sections 3613, 3615 and 3622 of the Code of 1907.

Revision of Laws.

By Mr. Bealle:

H. 47. To amend chapter 21 of the Code of 1907 relating to the geological survey.

Revision of Laws.

By Mr. Fanning:

H. 48. To authorize any city or town in the State of Alabama, to purchase real property, or any interest in real property, for parks, or other authorized municipal purpose, on time or deferred payments, and to execute its interest bearing notes for the purchase price, and to secure payment to execute a mortgage or deed of trust on the property purchased; provided the indebtedness so incurred with other indebtedness of such city or town, does not exceed the indebtedness such city or town may incur under the provisions of the Constitution.

Municipal Organizations.

By Mr. Fanning:

H. 49. To amend parts or subdivisions four (4) and eleven (11) of an act of the Legislature of Alabama approved September 23, 1919, entitled an act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of and the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties, so as to provide for the qualifications of soldiers and sailors in the service of the State of Alabama and for soldiers and sailors in the army or navy of the Confederate States of America entitled to pensions and to provide for pensions for said soldiers and sailors.

Pensions and Soldiers' Homes.

COMMITTEE MAKES REPORT.

The committee on part of the House to wait upon the Governor made their report and were discharged.

JOINT SESSION.

Under a Senate Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives in

Joint Session for the purpose of hearing the Governor's message:

Lieutenant Governor McDowell directed the secretary of the Senate to call a roll of the Senate and the following Senators answered to their names:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slane
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNell	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

The Speaker of the House then directed the Clerk of the House to call the roll of the House and the following members answered to their names:

Messrs:			
Mr. Speaker	Dunwoody	Jones	Sanders (Conecuh)
Adams	Elliott	Kilpatrick	Sanders (Pike)
Adcock	Fanning	LeMaistre	Sessions
Arrington	Ferrell	Letson	Smith (Clay)
Ashcraft (Fayette)	Fite	Long	Smith (Jefferson)
Ashcraft (Lauderd')	Forman	Love	Smith (Lee)
Bealle	Glass	Luck	Snodgrass
Blackwell	Glenn	McGowen	Sollie
Bowen, Lewis	Glover	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Goode	Moxley	Stewart (Calhoun)
Boykin	Goodwyn	Nichols	Thompson (Etowah)
Burns	Graves	Norman	Thompson (Jackson)
Burton	Grove	Odum	Tiller
Byars	Guy	Parker	Tunstall
Calloway	Hall	Patterson	Tyson
Cato	Hampton	Pickens	Varner
Christian	Hatter	Poole	Verner
Coleman	Hawkins	Posey	Walker
Cook	Henley	Powell	Wall
Culver	Henson	Ringer	Walton
Cunningham	Hornsby	Rives	Ware
Deloney	Howard	Rountree	Mrs. Wilkins
Dickinson	Howze	Russell	Wyatt
Dowdle	Jeter	St. John	Young

MESSAGE FROM THE GOVERNOR.

Governor William W. Brandon appeared and read his message as follows:

To the Senate and House of Representatives:

Having full confidence in your fidelity, patriotism and wisdom; we, in assuming our several duties, you as law makers,

and I, as Executive, take upon ourselves grave and solemn responsibilities: The peace, prosperity, and happiness of the people of this great State whose servants we are, depend in a large measure upon the laws you enact and the fidelity and faithfulness with which they are executed. We are, therefore, humbled in the presence of this great responsibility that goes with our commission to lead this great State during these days of reconstruction period. We should approach these duties with a feeling of fairness to all, having in mind the good of our commonwealth, and the betterment of our race.

In my opinion, no General Assembly ever convened in Alabama under more favorable circumstances; there are no *party* differences, no bitterness in our ranks, no vital issues upon which we are divided, but Legislator and Executive alike, come with a united people behind them, and your actions and deliberations will be watched with eagerness and expectancy, and hope reigns in the minds and hearts of our people.

We are entering upon duties pregnant with almost Divinely imposed responsibilities. It is indeed a great honor to be called into the service of our State; a great privilege and an opportunity for service to mankind. We assemble at a time when history is to be made. The gigantic conflict of the World War ended it is true, but not without leaving in its wake saddened homes, wounded manhood, national indebtedness, financial systems of other nations destroyed, markets closed to our products, causing our material interests to suffer, and, it is but natural that our people look to their representatives with hope. You are the picked and chosen men of the section from which you come, vested with the sovereign law-making power, and upon you in some degree depends the realization of the hopes of the people whom you represent, and in you they repose implicit trust and confidence; the people have faith in you, and government by representation is a principle not new, and perhaps is the best system in existence. Coming fresh from the people, knowing the people, in sympathy with the people whose confidence you have earned, I feel that you will without fear give expression in the laws you make to their aspirations and their calm and deliberate judgment. When this is done laws will be respected, laws will be obeyed, and our people contented and happy.

We have gone through a period of distress,—many problems are to be solved economy in government must obtain, duplication and unnecessary expenditures must be prohibited—Tax payers must receive in value what they contribute to government.

I feel confident that you will meet the expectations of those who have chosen you and that you will so legislate as to make every dollar spent bring returns in citizenship:—in developing

our rural and farm life, in educating our people, in stamping out disease, in establishing industries, in quieting agitation, and making all classes feel that they are all one Common Brotherhood, and prejudice, selfishness and parsimony are laid upon the altar of our County for the good of all.

My distinguished predecessor, has laid before you the affairs of the State during the past four years. His experience during a period of reconstruction is worthy of your thought, and I commend it to your careful and earnest consideration.

THE WAR

Our State made a record second to no State in the American Union in the World War. From field and shop, from office and bank, from factory and mine, went the flower of our citizenship, and maintained for Alabama her traditions and her history. No braver or more chivalric band than our Alabamians ever marched to marshal music, or shouldered a gun in freedom's name than did the sons of our own State. Many did not return, but they left a history for their people that will live through all the Ages. We owe to those who did return, to take up again the duties of life, every encouragement, every opportunity for their development, for their energies and start them in every field of endeavor that will bring our State to its widest field of development. We should favor them in every possible way and make them feel that a grateful people welcome them back home, believing that they in Peace, as well as war, will measure up to the true standard of manhood, and will, with unity of purpose and action, plant our flag upon the pinnacle of success.

THE BUDGET SYSTEM

The Budget System as created by my predecessor is wise. It should be continued. Economy in Government is as necessary as economy in private affairs. In my opinion, to the present Budget Commission should be added the Examiner of Public Accounts. Before appropriations are made the income of the State should be ascertained and no appropriation should be made in excess of such income. It is obvious that if appropriations are made beyond the income of the State, liabilities incur and indebtedness follows, and taxes are anticipated and certain claims remain unpaid. It occurs to me that we should as soon as possible, ascertain what revenues have been anticipated, what our outstanding claims are unpaid, what monies are in the Treasury, what the revenue of the State will be, and after ascertaining these facts, only make such appropriations as will be within the income. Thus it will be seen that the State will live within its income, and trust funds will not be used for pur-

poses other than those intended. The business of the State is now in your hands; let us get our bearings by knowing definitely our financial status and then apply the remedy. This will enable us to stop waste, duplication, extravagance, and give the taxpayer knowledge of where his monies go.

To this end, I ask that the Legislature obtain from the Budget Commission or such other source as they deem prudent, a statement that will enable them to know what will be available for them to appropriate for the various causes seeking appropriations before action is finally taken.

PUBLICITY OF PUBLIC FUNDS

The tax-payers, as stockholders of the Government, should have accurate knowledge of the receipts and disbursements of all funds. A law should be enacted requiring those in charge of public funds to publish at stated intervals the sums received and purposes for which they were expended. These reports should be made in detail, so that the public might know where every dollar collected is spent and for what purpose. This would in my opinion, keep down criticism.

This should not only apply to State funds, but every County Officer, School Board, Treasurer, Municipal Officer or other person handling public monies should publish in the County paper or other medium of publicity an accurate report and show that the monies collected in his sub-division have been applied as the law directs and then our people would know that their taxes have been properly applied. In addition to the information furnished the people, all officers would be more careful in handling monies, and make equitable distribution of the people's money. All would be careful of extravagant expenditures, would more economically administer the affairs, and make every dollar count.

In addition to this, I believe that after the books of any County Official have been examined by the Examiner that the report of such Examiner should be published, and the people have knowledge of their affairs—both State and County. Too much care cannot be used in handling the Public Money and every safe-guard should be thrown around careless expenditures. Publicity would cause us all to stop, think and carefully guard our financial system.

SAFE-GUARDING TRUST FUNDS

Certain monies coming into the State Treasury under Constitutional provisions should be held sacred, and be used only for the purposes for which the taxes are paid. For example,

the Constitution fixes a millage tax for school purposes. This money, when collected, should be credited to the School Fund and held intact for this purpose, and not borrowed from or used for other purposes, but used solely for that purpose. This might enable us to pay more promptly the poorly paid teachers.

Under our recent Bond Issue Amendment, the Constitution requires all Automobile License be used for the interest on Bonds, the retiring of bonds and construction and maintenance of our highways. Under no circumstances should these funds be used temporarily or otherwise for any other purpose. We cannot too rapidly build highways, nor can we too quickly begin a system of maintenance that will take care of the roads we build. A system should be devised by which all funds directed by the Constitution to be paid for specific purposes, should be held and used *only* for that purpose and any law which permits the temporary use of these funds for other purposes than those fixed by the Constitution, should be repealed, and these funds should not be used for other purposes in anticipation of revenue.

EDUCATION

The most important matter with which you will have to deal is education. While this State has made great strides in the education of our people, much remains to be done in order that every boy and girl may be given an opportunity in life. An educated citizenship is the greatest asset of any Commonwealth. The people of this State have shown their desire for a system of Education that will carry the school to the remotest corner of the State. We now have a State School Tax of three mills levied by our Constitution, a County Tax of three mills, and a District Tax of three mills for our elementary schools and even with this some communities only have a five months school. This should not be. All our schools should be open and free at least seven months in the year.

Every dollar should be made to count, and all duplication and overhead expense and extravagance should be discontinued. We are all committed to Public Education "And no backward step should be taken." For many years since the establishment of the County High Schools by Governor Comer, which marks his administration as progressive, under each succeeding administration our educational interests have advanced. We must go forward:—in order to do this, we must economize in every possible way to guarantee longer terms, ample pay for teachers, proper equipment and buildings.

The first monies spent should be for the education of our people. Our system should be carefully scrutinized, and every unnecessary expense curtailed, every duplication abolished, and from the elementary school to the university, our system should

be so related and connected so as to make one harmonious whole. To do this will require exhaustive study, careful investigation, thorough knowledge of the entire system in order to administer the funds to the most possible good.

The beginning of education is in the Elementary school and this should be our first care. The Country School must not be neglected, for from these elementary schools come our High School and College Students, and the better schools, the more pupils, and all in the early life must be given a start. I am informed by our State Superintendent that much more money will be needed in developing our Elementary Schools. Every person should contribute something to this great work. I therefore, recommend, in order to give more money to the Elementary Schools, that a law be passed levying a per capita tax of \$2.00 upon every citizen black and white, male and female, between the ages of twenty-one and fifty years, to be used as a fund to provide seven months school in every School District; that this should be compulsory and that no exception be made except that already made by the Constitution of the World War Veterans, and they are entitled to this and every other consideration we can give them. This fund when raised should be so held and distributed as to give in poorer and remote sections, a school in keeping with more favored communities. This would raise a fund of more than one million dollars for school purposes, and every person would then be a contributor to Public Education.

I believe that every patriotic citizen would gladly pay this amount per annum, whether owning any property or not, if he knew he was carrying to all the people an opportunity to equip men and women for the duties of life. A State's first duty is to develop its citizenship and strengthen its manhood and womanhood and until we realize this, we will not measure up to our duties.

HIGHER INSTITUTIONS

The University, Auburn, Montevallo and our Normal Schools, are in distress for lack of buildings and equipment. Students are knocking at the door clamoring for admission. High Schools are turning out yearly scores of young men and women seeking admission. Alabama should be second to no State in giving our sons and daughters every advantage. The people have responded recently to the call of the University and Auburn and voluntarily subscribed liberally to a building fund. The needs of these Schools and Colleges are so apparent that we must consider carefully the same, and meet squarely the responsibility. All of these Institutions are now maintained out of the General Fund of the State Treasury. The sources of revenue to this

fund, not otherwise appropriated by Constitutional provisions, are meagre, and are approximately, to-wit:—2½ mills ad valorem tax, amounting to \$2,389,752.23. The licenses arising from the Privilege Tax amounting to \$1,910,286.07, miscellaneous sources \$632,315.98, or a total of approximately only \$4,932,354.28. From this fund every Department of Government is now supported. From this fund all appropriations for education not fixed by the Constitution must come. A careful and impartial study of the situation will show that if we appropriated the whole of the General Fund to our Institutions of Learning, it would hardly meet their immediate needs. Some remedy must be applied. Having confidence in the people of this State and their earnest desire to have every boy and girl get an adequate education, and in order to place higher education in the reach of all, it occurs to me that these Institutions will never be properly cared for until we fix a millage tax by Constitutional Amendment for the support of our Higher Institutions of Learning, and forever fixing a policy for their support and maintenance. We have stood for a reduction in Taxes. By this method we would allow the people to pass upon the question of taxing themselves, and it would not be a tax arbitrarily fixed, but the people themselves would have an opportunity to determine the destiny of our Institutions. The needs cannot be met out of the State Treasury. The question is of such grave importance to our people that in my opinion this presents our only remedy. We must meet the issue squarely and provide for these schools and colleges or they will not be able to measure up to their fields of usefulness. I, therefore earnestly urge that a Constitutional Amendment be submitted for a three mill tax,—one half to go to our Normal Colleges and Elementary Schools, the other one-half to go to our higher institutions of learning.

A plan could be worked out by which an equitable division could be made out of funds arising out of such millage tax to go annually to the support of our Elementary Schools, High Schools, the Normal Schools and higher institutions of learning, and they would not be forced to receive a pittance from the General Fund. In order to prevent duplication and extravagance, a law should be passed defining the field of work for each Institution, and in this way bring all Educational Institutions in harmony. There should not be a discordant note in our Educational system,—jealousies and animosities and selfish differences should be eradicated. All our Institutions have one common mother—the State; and it is highly important and greatly to be desired that a system be worked out that will blend in one common whole every school of the State, and leave no room for bickering or discord. There is *need for all* and a

great opportunity for all. This system should be worked out without prejudice to any but with the common good of all. My predecessor had a survey made of our educational needs, and it is a matter of record, and I commend the careful study of this to the Legislature and that they may enact a law that will define the scope of every school and thus avoid dissensions, duplications and extravagances; until this is done, we can never determine equitably the needs of each, and after this is done there will be no discrimination.

I believe that a lack of harmony is creating discord, and what we most need is a mutual, definite, defined system, and start all these splendid schools, hand in hand as sisters in our educational system with a complete understanding, giving opportunities to every boy and girl to be equipped in every line of endeavor. When this is done and the people assured of an economic expenditure of their funds I believe they will consent to levy this millage tax to carry on this great work,—a great forward step will have been taken,—a great day will dawn for our citizenship, and a program adopted that will mark a New Era for Education, and our pledges to the people redeemed.

The greatest need of the State is an educated citizenship,—taxes paid out for the development of the race are not misapplied. Let us then with justice and fairness work out this problem of higher education to the end that Alabama will rank with any State in giving ample opportunities to her sons and daughters.

ELEEMOSYNARY INSTITUTIONS

The Alabama Insane Hospital at Tuscaloosa is overcrowded with inmates; the wards of the State must be properly cared for, and all appropriations made for this institution comes out of the General Fund. A new building is just being completed and will soon be open for occupancy. This will call for more money, and the State cannot be derelict in its duty to its wards.

HOSPITAL FOR FEEBLE MINDED

Hard by the Institution for the Insane stands a new building. The first unit of a building for the feeble-minded. This building now stands ready for occupancy—hundreds of applications are now on file with the superintendent and yet none can be received until it is equipped and a maintenance fund provided. It is estimated that \$40,000.00 will be necessary to properly equip this Institution and get it ready for occupancy. Until this is done, the building will stand idle, while those seeking admission will still wait. In addition to this equipment, a maintenance fund will be necessary to enable the authorities to care

for the inmates. This should perhaps be the first appropriation made, and made as early as possible in order that the building may be made to serve its purpose.

BOYS INDUSTRIAL SCHOOL

In my opinion, the Boys Industrial School at East Lake, Alabama, is doing a splendid work for the State. It has made men of boys whose tendency was to crime and idleness. It should receive our support and its needs carefully studied and provided for. We must prevent crime by saving the boy before he becomes a criminal. I feel that this Institution should be carefully fostered and encouraged. If it can be arranged to purchase land in close proximity at a small cost, it would be money well spent and give employment to the boys in the way of dairying and gardening and raising edibles, poultry, etc., thereby reducing the cost of upkeep. A similar school to this for girls would not be amiss,—although our good women are doing for girls of this class what they can. They do not receive the proper support. The State must not neglect its wayward youth, but should snatch them in tender years from surroundings that produce crime, and fit them for citizenship. Crime can be lessened, morals can be uplifted, homes can be made happier and communities strengthened by caring for the outcast and wayward and training them for honest endeavor.

DEAF, DUMB AND BLIND

The Institution at Talladega deserves and should receive our earnest support; to care for those who have lost their sight, and who are unable to communicate by sound with their fellow men call for our heart-felt sympathy and every care should be taken to give them as far as possible a chance in life and remove as nearly as we can their infirmities.

This institution is doing a noble work and I commend it to your care and earnest consideration. It must be properly maintained and supported, and the best possible advantages given to these unfortunates.

STATE HEALTH DEPARTMENT

Next to an educated citizenship comes a healthy people. It is the State's duty to eradicate disease, to provide sanitation for its people and make living conditions the best possible. Alabama perhaps has made more rapid strides along health lines than any Southern State; more has been accomplished in the last few years than ever before in our history. A great program has been prepared by the State Health Officer, and we

should carefully study its provisions, and aid as far as possible to the end that our people may be safe from the scourges of preventable diseases and our children can be reared under conditions conducive to good health. I am a firm believer in County Health Officers for each county, and a careful watch kept for preventing diseases and stamping out causes.

CHILD WELFARE

Perhaps no department of Government is doing more services for the State than this department under the able management of Mrs. L. B. Bush. Health reformation and care of the youth are essential. All matters of welfare of the children of this State should be under the control of this department. This is one of the State's greatest problems, and we have made some progress in its solution. In Mrs. Bush, this State is fortunate in having one who has a vision and is developing rapidly this important work. After the educational interests have been cared for I commend this and the health of our people to your serious consideration. The plans outlined by the head of this department meet my heartiest approval, as far as the Treasury will permit. And, I invoke your aid and co-operation in an effort to care for our child life.

CONVICT DEPARTMENT

The convict system of any government is of vital importance. I have endeavored to get such information as possible in order to make a definite recommendation. Great improvements have been made in this system during the term of my predecessor. The prison at Speigner has been rebuilt, and is now ready for occupancy. The old penitentiary at Wetumpka has been remodeled and these prisons are now models of cleanliness and sanitation. Perhaps the most commodious and best equipped prison in the South is at Kilby. Through the kindness of my predecessor I have visited with him these institutions. The State has invested more than a million dollars at Kilby prison. The investment has been made, we must therefore utilize it to the best interest of the State. I am not familiar enough at this time with the system to make definite recommendations. I believe however, that in time the Lease System should be abolished and prisoners should be taken from the mines. This can only be done when the State has otherwise made provision for the convicts where they will not be a liability on the State. I am not convinced that such a time has arrived and would therefore recommend that the time be extended for taking the prisoners out of the mines until such time as the Governor and the Convict Board determined that it could be done without lia-

bility to the State for their upkeep and maintenance, and until provision could be made for their proper employment and confinement. Whether the present situation would enable us to do this or not, I am unable to say, but I am convinced beyond question that it could not be done at this time without enormous expense to the State, and lose revenue to the treasury. The demands on the State are so great, in our vision for the education, the health, and the welfare of those who are not convicts that we are unwilling to take from a treasury that is now unable to meet these demands, and thus aid in preventing crime, and transfer it to the convict to be merely a ward of the State and receive no punishment other than confinement.

The convict should be kept busy and his labor should bring some revenue to the State, and I would favor a part of his earnings, if he left a destitute family, to go to them, that they might not be a burden to the tax paying public and an object of charity—dependents upon the State and County whose laws the convict has violated. I would favor and do now favor the abandonment of the lease system as soon as practicable, but not having had an opportunity for proper and careful investigation I cannot offer a definite plan for the solution of this question; until such investigation and plan can be intelligently worked out without embarrassment to the State Treasury and the demands of the tax payer, I ask that you at least continue the present system until we can evolve a plan and have it ready for operation, when such lease system does terminate. For that reason, I make the recommendation above set out. I will endeavor at your second session to make further recommendations. I further recommend the appointment of a special committee from your body to inspect these institutions, investigate thoroughly, and with the Governor, make recommendations at the Adjourned Session.

TAXATION

In order to carry on Government, revenue is necessary, and the demands on the State are greater than ever before. The people have been promised relief from excessive tax burdens. Property now on the Tax Books have been carrying the burden for years and some plan must be adopted by which the taxes on property presently taxed can be reduced. In order that this can be done certain exempted property should be placed on the Tax Books and required to share its part of the burden.

Equality in taxation is fundamental, and while much has been done in this line, much remains to be done. A careful study of Tax Assessments for the current year will show that our pre-election promises to reduce taxes has been complied with and that the income will be much less than that of the year preceeding. However, as far as possible, our people should be relieved

of excessive taxation. This can only be done by requiring property not heretofore taxed, to be placed on the Tax Books and the following new subjects of taxation be required so that the values now on the Tax Books may be reduced.

1. All property, now exempted by special laws, whether of individuals, except cemeteries, schools, and public buildings, churches and Eleemosynary Institutions, and certain necessary household goods, poultry and possibly a cow and calf, should be taxed.

2. Stocks and bonds, hoarded money and solvent credits, should be taxed.

3. The privilege tax on mortgages should be increased, and required to be paid annually where the life of the mortgage is more than one year.

4. A compulsory per capita tax for Elementary Schools.

5. A tax on gasoline for maintaining our public roads.

With these additional taxes levied on property not now taxed and which has been exempted for years, I believe the present values could be somewhat reduced on property now being assessed without materially diminishing the revenue of the State. In order that equalization in taxes may obtain, I recommend that the State Tax Commission be retained with one additional member to look after Automobile Taxation. And that power be given the Governor and Commission to employ experts as may be needed to check up the Assessors and see that the equalization obtains. I recommend the abolishment of Tax Adjusters, and the Tax Assessors be required by law to perform all the duties incident to the assessment of taxes under the State Tax Commission. That no Tax Assessor or Collector be allowed to succeed himself in office, and that the taxes be equitably and fairly assessed as provided by law and subject to review and revision by the Tax Commission,—the tax payer having the right of appeal.

In order that no injustice may be done to any Assessor or Collector, I suggest that the terms of those now having office be extended two years,—at the end of which term they be ineligible to succeed themselves. And, if necessary, a clerk be employed to assist them in their duties.

In the matter of License Inspector, I recommend that the Commission appoint with the approval of the Governor, a Deputy or Deputies as may be necessary, to be paid a salary, whose duty it shall be to look after delinquent licenses, and be a part of the law enforcement organization; thus each County, (or in smaller counties combined, two or three) would have a law enforcement officer. That all fees and penalties arising from delinquent or escape licenses to go into the State Treasury. In this way, a considerable sum would go into the State Treas-

ury, and an all time officer would be attached to the sheriff's office to aid in the enforcement of law.

AGRICULTURE

Alabama is essentially an agricultural State. Most of our people make their living by tilling the soil. The success of all business and the progress of our civilization rest upon a contented, happy and prosperous farming people. Rural life should be made more attractive and farms more productive. There should be better marketing for farm products and better facilities for getting to market.

The platform of the Democratic State Convention of last Summer gave deserved emphasis to the training of agricultural leaders, agricultural research, extension work, soil improvement, co-operative marketing, farm credits, and inspection work of various kinds.

For the past twelve years legislatures have given sympathetic consideration to research and extension work. Beginning in 1911, the legislature provided \$25,000 per annum for farm demonstration work. Concurrently an act was passed appropriating \$27,000 per annum for agricultural experiment work, following in the wake of the appropriation of \$30,000 per annum by the Federal Government years ago for similar work. In 1915 the legislature made additional appropriations for extension work, in co-operation with the Federal Government, under the terms of the Smith-Lever Act, until today a sum approximately a half million dollars (\$500,000) annually is available from federal, state and local sources for experimental and extension work in agriculture. Yet, the State has done no more than it ought to have done. As its resources permit, it will be glad to do more. The passage of the millage tax, as set forth elsewhere in this message, will increase its power to render yet greater service.

I recommend (1) that provision be made to meet the Smith-Lever federal appropriations for extension work; (2) that the federal appropriation to experimental work be supplemented from time to time as resources may be made available; (3) that, so far as practicable, the work of county farm and home demonstration agents in the several counties be made compulsory and permanent; (4) that our marketing laws be carefully studied with a view to such changes as will facilitate the organization of co-operative commodity marketing associations; (5) that all inspection work and enforcement of agricultural laws be done at the State Capitol as a part of the work of the State Department of Agriculture as recommended by the incoming Commissioner of Agriculture; (6) that the State Board of Agriculture be authorized and empowered to sit in an advisory capacity with

the Commissioner of Agriculture and Industries in making rules and regulations regarding regulatory and inspection work, with the restriction that all fees derived from such work shall be fixed by statute and shall be paid into the State Treasury to be disbursed or appropriated item by item, as heretofore, by Acts of the Legislature. It is clear that whenever fees are exacted from the public or whenever public money is disbursed or appropriated, there should be definite statutory authority. Such authority alone will suffice to safe-guard the public interests.

LAW ENFORCEMENT

Laws are made to be obeyed. All laws should be rigidly enforced and the Governor is responsible for such enforcement. Every power should be given to see that laws are enforced. As far as possible, this should be done locally, but there should be a force to see that there is a rigid enforcement of all laws; to this end it should be left with the Executive as to what force is necessary for the State to maintain in order that proper co-operation may be given to local authorities.

SABBATH OBSERVANCE

Commercialization of the Holy Sabbath should be prohibited. By law all business, games and amusements where admission is charged and the Sabbath desecrated should be stopped. Providence will smile upon the people who "Remember the Sabbath day to keep it holy."

WORKMEN'S COMPENSATION ACT

There has been no piece of social legislation in recent years of more importance than the Workmen's Compensation Act. Its importance to the employer as a means of reducing and almost eliminating litigation for injuries to employees is recognized. It is a factor in promoting more cordial relations between employer and employed, which should be earnestly encouraged. It is a step toward according justice to the unfortunate injured or his dependents in not requiring him to assume the entire hazard of the employment and nearest of any known or developed experiment in the humanitarian principle of government; the public is thus in large measure protected against further increase in its quota of helpless dependents.

The Legislature of 1919 enacted a Compensation Law that has been in operation for the past four years. Experience has demonstrated the necessity of its amendment. The present law provides supervision or administration upon the Circuit Judges an additional burden almost impossible of thorough accomplish-

ment. However conscientious the Judge, yet it is a physical impossibility to make the complete investigation of many cases, consonant with the desired social and altruistic purposes of the law. It would now appear as the law is administered that it is secondary in importance and but a side issue to the Judicial Department of the State Government. More than 12,600 of the citizens of Alabama are subject to the provisions of the Compensation Act, too large a proportion for this economic and social welfare to be on secondary consideration.

The experience of other States, where the law has been longer in force, has demonstrated the wisdom of its administration by a separate body. Therefore, I would recommend to the Legislature the creation of an Industrial Commission to be appointed by the Governor for such term as it is deemed wise, a chairman and two associate members, at such salary as you deem commensurate with the importance, of the service to the State. The expenses of the Commission should be provided for in the Act, and should not be paid from the present income of the State or out of the State Treasury, but should come from fees from those who have matters before the Court. And this Commission should be made self-sustaining.

There are many features of the present law deserving in some instances of radical amendment too numerous to include in this message. I would commend to the Legislature for its information and careful study the provisions of the Ohio law relative to the establishment of the Commission and its duties of administration. This law seems to have met the situation. I am informed meets the general approval of all classes.

DEPARTMENT OF ARCHIVES AND HISTORY

The history and traditions of a people should be preserved, and under Mrs. M. B. Owen's management this is being done in the Department of Archives and History. Her department is crowded, corridors and cellars full of important documents and files that are a part of Alabama's history. She is handicapped in her work by lack of room. How to remedy this is one of your problems. She will probably present to you plans for the future, and I commend to you her plans and ask a most careful investigation. I request as far as possible, having due regard for the State Treasury, that you co-operate with her, and preserve for future generations the history of our people.

REGISTRATION LAWS

Our Registration Laws are expensive and cumbersome. Many of our citizens are prevented from voting because of their inability to register. The law now provides for three

Registrars in each county. Why pay three? Where one could do the work. If it can be done constitutionally, I would suggest that this work be done in the office of the Probate Judge. He is responsible for the official voting list, and now practically duplicates the work of the Registrars. This would enable the Registration Books to be open at all times, and any person qualifying for registration could then conveniently register. There might be some objection, or constitutional prohibition to this system. In that event, I would recommend the abolition of the Board as now constituted and the number reduced in order to save unnecessary expense, and require more frequent registration. In most counties one Registrar could easily do the work.

PORT AMENDMENT

The people of Alabama by almost unanimous consent at the polls decided that the State of Alabama should lend its credit to the building of a Port for Alabama at Mobile. Our people have great hope in this development. To my mind, this is the most important legislation with which you will have to deal. The people have been promised returns on their investment. You will be charged with passing the enabling Act carrying into effect the Constitutional enactment. I, therefore, recommend that careful study be given to this important matter, and every restriction thrown around the expenditure of these sums, to insure the people that there will be no default in payment of bonds and interest. Every detail of this Act should be carefully studied, every caution taken to prudently expend these monies, and the best business men of our State should be charged with the grave responsibility of furthering this enterprise. We cannot hurriedly go into this. I therefore, recommend that you appoint a Committee to confer with the Harbor Commission, the Governor, and such experts and business men as they may agree upon, to bring to you recommendations to the end that we may safeguard the public interests, and the State's Treasury.

In my judgment, a great day will dawn for Alabama when this port is completed. Every section will be benefitted, and the product of field and mine, of mill and factory, will cause our industrial life to throb with new energy. New markets will be opened,—transportation will be cheapened, and all our people will feel its benefits. We should not delay the matter unduly,—but every care should be taken to the end that the people will be assured that the matter is being carefully and properly handled.

The Harbor Commission has been active and diligent in securing data, and have submitted a tentative bill which should

be carefully considered in detail. Let no Act be passed that might be unconstitutional, and every care should be taken in its enactment where the bond issue would not be questioned, or the right of the State to lend its credit be doubted. This problem is ours; let us meet it thoughtfully, prudently, with the best advice obtainable.

STATE HIGHWAY DEPARTMENT

Good roads are essential to our advancement. The Federal appropriation, together with our bond issue for good roads, should bring results. Every dollar should be made to count, and the law should be complied with connecting county sites.

Too many surveys are made and too few roads built. Overhead and useless expense should be prohibited, results should be obtained, roads should not be built for political reasons, but where they can best serve the public.

In my opinion, the State Highway Commission, as now composed, is "top-heavy." While the members are honest and conscientious, and are moved by patriotic motives, they naturally represent their own sections, and each has his own idea of what ought to be done, and as a consequence confusion arises and no definite plan is fixed. So far as I know they are all good, capable, honest and patriotic men, trying to serve faithfully their respective constituencies. Therefore, it is not the personnel of the Commission to which I object, but the system itself. A much smaller Commission with their duties *defined* would in my judgment get better results and our roads more rapidly built. I, therefore, recommend that you enact a law creating a Commission of only three, and certainly not more than five, composed of a chairman and two associates, and their duties defined; that the chairman give bond for the discharge of his duties and be at his office daily, and have charge, with his associates, of all road building; that no expenditures be made without the approval of the Commission and the Governor; that the Commission be required to make quarterly reports for their actions, showing miles of road constructed, the cost of same in detail: That no engineers be employed without the consent of the Commission and such only as are necessary for the projects in hand; that the overhead expense of the Commission be limited as far as practicable, to the end that the monies may be applied to road construction; that the Commission employ a chief Highway Engineer, who shall devote his whole time to the work, and who shall, with his assistant, be associated with the chairman at the central office under the supervision of the chairman and Commission.

I further recommend that a tax be levied on gasoline and covered into the State Treasury, to be used as a maintenance

fund for the upkeep of the roads built. This money to be expended only upon the requisition of the chairman, approved by the Governor, for maintenance and upkeep, and an itemized statement of such expenditure be filed with the requisition. And, if all of such tax is not required for any one year for this purpose, it be covered into the State Treasury.

NATIONAL GUARD

The National Guard of a State is the Executive's strong right arm. In the enforcement of law, in keeping down invasion, in protecting the weak, they are needed in Government. The National Guard of Alabama "Carries no flag that does not think of Alabama's welfare, no bayonet that does not salute her Civil Power."

The flower of our young manhood compose this organization, and they have always answered their country's call. I commend them to your support in whatever is deemed essential for their efficiency and proper support.

COURTS

In many counties of the State the Fine and Forfeiture Fund is exhausted, and jurors and witnesses attending court are not promptly paid. Speedy trials would enable us to save much money and aid in the prompt enforcement of law.

Courts are frequently prolonged and jurors and witnesses held over pending the settlement of pleadings, etc., before the matter is at issue. It would be wise to formulate a plan by some rule of procedure approved by the Supreme Court, where all pleadings and preliminaries would be settled in advance of the trial of the case, and thus prevent jurors and witnesses having to attend sessions of the court pending these matters, and thereby save considerable expense.

It might also be well to consider a plan by which all fines, forfeiture and costs, be paid in money, instead of county script or other paper.

CONSERVATION

The suggestions recently made by Hon. E. F. Allison of Bel-lamy, Alabama, lumberman and game conservationist, is worthy of serious consideration. Much of the cut over lands which are going to waste could be made to produce timber for future generations. Forest fires that destroy growing timber should be prohibited, and the conservation of these natural resources should be made a careful study.

The splendid work of Mr. Allison in conserving the game life of our State deserves commendation, and Alabama owes him a debt of gratitude.

Looking to the future he sees possibilities untold in our cut over and wasting lands. We are not only legislating for today, but for the future, and a programme of conservation along the lines suggested would bring developments of value. The Commissioner of Conservation is working upon plans to this end, and it might be well for you to appoint a committee to confer with him and Mr. Allison and others familiar with this subject, and evolve a plan that will conserve this God-given resource, thereby prevent waste and useless destruction, and bring back the cut over lands to usefulness and conserve for future generations what we now enjoy.

Alabama owes to the late John H. Wallace, a debt of gratitude that cannot be paid. He conceived our Game and Fish laws; he put into execution these laws, and started our Commonwealth in the great work of conserving our wild life of fish and game. We should follow his work up and continue to protect and foster conservation of all those things that add to our happiness and prosperity. His successor is furthering this great undertaking and is endeavoring to work out plans that will perpetuate and enlarge conservation of all our resources. We should co-operate as far as possible with him in this work.

ABOLISHMENT OF OFFICE

I recommend the abolishment of the State Board of Control and Economy.

I recommend the abolishment of Tax Adjusters, and all unnecessary Tax Agents.

I recommend the reduction of the number of Registrars.

I suggest that you appoint a committee to investigate every department of Government, ascertain the number of employees, the salaries paid, and make recommendations abolishing all unnecessary assistance, all duplication of work not inconsistent with efficiency and service. The salaries of State Officials and employees should not be in excess of salaries paid for like service in private business, and a careful investigation should be made and salaries reduced where the service rendered does not demand the salary now fixed. Economy in administering Government has been promised the people, and I am sure every State Official will co-operate with you in making the administration of his office to the minimum cost of service.

I urge that no appropriation be made at this session, except for the Institution for Feeble-minded.

CODE

The Codifier of our State laws will make his report and the new Code is to be adopted. I therefore, recommend that you appoint a Committee to report on same.

It will therefore be necessary for you to adjourn for this purpose—

ADJOURNMENT

In order to save an extra Session of your body, I recommend that you adjourn in the next ten days to meet again in April, if possible. That during your adjournment you appoint a committee:

A. To confer with the Budget Commission and ascertain the financial status of the State.

1. Its outstanding indebtedness.
2. Income that has been anticipated.
3. Income available.
4. Fixed charges of State.
5. Amount available for appropriation.

B. *A committee on code.*

C. *A committee on investigation of all departments and cost of same and reducing fixed expenses, if possible.*

No appropriation can be made without partiality until we ascertain definitely what is available. I will approve no appropriation except that for the Institution for the Feeble-minded (and that only for the reason that the building is now idle and unoccupied) until I have ascertained what is available, and have provided for Education to the end that no "backward step be taken" in the education of our people.

Only necessary legislation should now be enacted.

CONCLUSION

Our duties, while not the same, are so closely related as to be akin and can best be performed when perfect harmony prevails. I have no desire to dictate to you, but to co-operate with you. I shall endeavor to maintain the relations which now exist unbroken. We were elected by a re-united people upon the same platform. Feel at liberty, each of you, to counsel and advise me. You are at liberty to call at any hour, day or night, and call upon me for any information that I have or can obtain that will aid you in your task. May we then, gentlemen, hand in hand, with unity of purpose together so act, that when our duties are ended, we can hear from all our people the approbation, "well done, good and faithful servant."

WM. W. BRANDON,
Governor.

ORDER TO PRINT.

On motion of Mr. Goodwyn, the clerk was instructed to have one thousand copies of the Governor's message ordered printed for the use of the House.

REPORT OF THE STANDING COMMITTEE ON RULES.

The Speaker, (Mr. Goodwyn presiding), made the following report from the Standing Committee on Rules:

RULES OF THE HOUSE—1923.

Rule 1. The Speaker shall take the chair every day at the hour fixed on the preceding adjournment; shall immediately call the members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the House, at the request of any member; which appeal shall be decided without debate.

3. He shall rise to put a question, but may state it sitting. All questions shall be distinctly put in this form, viz: "Those in favor (as the question may be) say Aye," and after the affirmative voice is expressed, "those opposed to the motion say No" if the speaker doubts, or a division is called for before a division is announced they shall divide. Those in the affirmative of the question shall rise from their seats; and afterwards those in the negative.

4. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. Whenever he is sick, or otherwise Providentially unable to attend, or necessarily absent, the House shall elect a Speaker Pro Tem, who shall discharge the duties of Speaker till his return, and no longer.

5. Fifteen members shall have power to send for absent members or to move a call of the House; but no call of the House shall be made except on the concurrence of a majority of the members present. A majority of the House shall be a quorum to transact business.

6. When any member is about to speak or deliver any matter to the House he shall rise from his seat and respectfully address himself to the Speaker.

7. If any member, in speaking or otherwise, transgress the rules, the Speaker shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the House shall, if appealed to, decide on the case without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to censure of the House.

8. When two or more members happen to rise at the same time, the Speaker shall name the person who is first to speak.

9. No member shall speak more than twice on the same question without leave of the House, unless he be the mover or chairman of the committee proposing the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

10. Upon the call of the House for taking the ayes and noes on any question, names of the members shall be called alphabetically, and each member shall answer from his seat.

11. When any question is taken by ayes and noes, and a member who has been absent returns before the question is decided, he shall be privileged to make inquiry of the subject before the House, and record his vote without discussion.

12. When a motion is made, it shall be stated by the Speaker; or if in writing, shall be read aloud by the clerk; and every motion shall be reduced to writing if the Speaker or any member request it.

13. Any member may call for a division of the question when the sense will admit of it.

14. Members shall particularly forbear personal reflections; nor shall any member name another in argument or debate.

15. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed in possession of the House, but may be withdrawn by leave of the House, at any time before decision.

16. When a question is before the House, motions may be received in the following order, to-wit: First, to fix the time to which the House shall adjourn; second, to adjourn; third, to indefinitely postpone; fourth, to lay on the table; fifth, for the previous question; sixth, to postpone to a certain day, not beyond the probable duration of the session; seventh, to commit; eighth, to amend.

17. A motion to adjourn shall always be in order, even in the absence of a quorum.

18. When a vote has passed, except on a previous question, or on motion to lay on the table, or to take from the table it shall be in order for any member who voted with the majority to move for a reconsideration thereof on the same day or within one hour after reading the Journal on the succeeding day, and such motion shall be forthwith considered, unless by a majority vote the same be fixed for consideration at another time; when a motion for reconsideration is decided that decision shall not be reconsidered, and no question be twice reconsidered; provided, however, that a motion to reconsider a vote upon any incidental or subsidiary question shall not remove the main subject under consideration from the House but shall be considered at the time when it is made.

19. No bill or joint resolution of this House shall be sent to the Senate (unless by special order of the House) until the time allowed for the last preceding rule for reconsideration shall have passed.

20. The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the members present, its effect shall be to cut off all debate, and bring the House to a direct vote, first upon the pending amendments, if there are any, in their order, and then on the main question, but the mover of the question or the chairman of the committee having charge of the bill or resolution shall have the right to close the debate after the call of the previous question has been sustained, for not more than fifteen minutes.

21. The Speaker shall appoint a reading clerk for the House whose pay shall be the same as that of the assistant clerk of the House. The Speaker shall also appoint all committees unless otherwise directed by the House; provided, however, a majority of each committee shall constitute a quorum, and the following shall constitute the standing committees of the House:

Rules, of which the Speaker shall be the Chairman, and which committee shall have the right to report at any time, and to be composed of nine members.

Rules Committee, 9 members; Judiciary, 21 members; Revision of Laws, 19 members; Ways, Means and Appropriations, 19 members; Privileges and Elections, 15 members; Education, 20 members; Commerce and Common Carriers, 18 members; Agriculture, 23 members; Temperance, 21 members; Local Legislation, 19 members; Corporations, 16 members; Penitentiary and Criminal Administration, 15 members; Municipal Organizations, 15 members; Banking and Insurance, 15 members; Labor and Immigration, 15 members; Public Roads and Highways, 25 members; Mining and Manufacturing, 11 members; County and County Boundaries, 9 members; Public Health, 15 members; Pensions and Soldiers' Home, 13 members; Military, 14 members; Public Buildings and Institutions, 11 members; Revision of the Journal, 5 members; Game, Fish and Forestry Preservation, 13 members; Claims and Fees, 7 members; Public Printing, 7 members; Engrossed Bills, 5 members; Enrolled Bills, 5 members.

22. The following committees shall be entitled to clerks to be appointed by the respective chairmen of the committees whenever in the discretion of the chairmen of said committees it may be necessary:

Judiciary; Revision of Laws; Ways, Means and Appropriations; Temperance; Education; Local Legislation; Agriculture;

Public Roads and Highways; Penitentiary and Criminal Administration; Commerce and Common Carriers; Municipal Organizations; Banking and Insurance; Corporations; Public Health; Game, Fish and Forestry Preservation; and Rules.

The Committee on the Revision of the Journal shall be entitled to two clerks, and the Committees of Engrossed and Enrolled Bills shall be entitled to three clerks for each committee, and either or all of the clerks of these three committees shall at the discretion of the Speaker of the House be assigned to the engrossing clerk or the enrolling clerk of the House.

23. All resolutions before they are voted on shall be referred to and reported from the Committee on Rules.

24. In the appointment of a committee to visit any public institution of the State no Representative who is a resident of the county in which such institution is located or of an adjoining county shall be appointed on such committee.

25. Every member may be required to vote on any question before the House. When the ayes and noes are desired, the Speaker shall be first called, and if the House be equally divided, the question shall be lost.

26. No member shall absent himself from the session of the House, unless he may have leave, be sick, or unable to attend.

27. The following shall be the order of business in the House:

1. Report of the Committee on the Revision of the Journal.

2. Reports of Committees on Engrossed and Enrolled Bills, but these committees may report at any time.

3. The call of counties in alphabetical order for bills, resolutions, memorials and petitions. If in any one day the call has not been completed by the hour of 12 M. the Speaker shall begin on the next day where he left off on the preceding day.

4. Reports of Standing Committees, of bills which they have reported favorably, which shall be forthwith read by their title a second time and entered on the calendar in the order in which they were read a second time. In the call of committees the Speaker shall call them in their order. If the Speaker shall not get through the call of committees before the House passes to other business, he shall resume next call where he left off.

5. Senate messages provided that whenever any message is received notifying the House of the passage of Senate bills, the clerk shall, immediately after the message is read, proceed to read the bills by their title, (unless the reading be called by some member, in which event the bill shall be read at length), and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received.

6. The unfinished business in which the House was engaged at its last adjournment.

When the hour of 12 M. arrives, or before that hour, if the call of counties has been completed, business shall proceed in the following order:

1. Executive messages shall have priority over other business, and as soon as received, they shall be read by the clerk, and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the Executive message.

2. If there are any bills on the calendar they shall be taken up at 1 P. M. on each day unless reached earlier, and no bill on the calendar shall be taken up out of its order, except by a vote of two-thirds of the members.

3. Miscellaneous business.

28. Any matter may, by a vote of the majority of the members present, be made the special order for any hour, which shall take the precedence at that hour, of any other business except a motion to reconsider; provided, that motions to make a bill a special order shall give the number and title of the bill; provided, further, that no bill be set for a special order or consideration except by a resolution first referred to Committee on Rules.

29. When a committee has decided adversely to any bill or resolution, such action shall be reported to the House in the form prescribed under the Constitution and the bill or resolution shall be placed on the adverse calendar.

A motion may be made on any day after one day's notice, immediately after the reports of standing committees to take a bill or resolution from the adverse calendar and place it on the regular calendar of the House, and if this motion prevails by a vote of the majority of the entire House, the clerk must immediately enter it upon the regular calendar.

30. Motions to take bills or resolutions from the adverse calendar may be made immediately after the reports of the Standing Committees are made; provided, that one day's notice of such motion shall be given.

31. Upon the introduction of any bill, or when Senate bills are first acted on, the same shall be read by title unless the reading be called for by some member when it shall be read at length, and upon such reading at length or by its title, the bill so read shall be referred to a standing committee.

32. Bills, motions and reports may be recommitted at the pleasure of the House.

33. Every bill shall on its first reading be referred to a standing committee, but reference to one shall not preclude the

recommitment to another and on recommitment it shall be open to amendment.

34. Upon a vote of a majority of the House any standing committee may be directed to act on any bill, which shall have been referred to such committee and to report the same to the House at its next sitting, in default of which, such committee, or any of its members, shall be subject to such censure as the House may impose, provided, one day's notice shall be given and which notice shall be given in writing to the House immediately after the report of standing committees.

35. No special committee shall report but upon leave granted by a vote of the House except Committees of Inquiry, which may report at any time.

36. All bills should be dispatched in order as they are introduced, unless when the House otherwise directs.

37. When a bill shall pass it shall be certified by the clerk, noting the date of its passage at the foot thereof.

38. The House may resolve itself into a Committee of the Whole when deemed necessary; and the rules of proceedings of the House shall be observed in committees, as far as may be applicable except that the number of times of speaking and putting the previous question shall not be applicable in Committee.

39. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committees shall be appointed by the Speaker.

40. Upon a bill being committed to a Committee of the Whole House, the same shall be first read throughout by the clerk, and then again be read and debated by clauses, leaving the preamble to be the last considered. After the report the bill shall be again subjected to debate and amendment by clauses, before the question of engrossing be taken.

41. On all questions of filling blanks, the largest sum and most remote day shall be put.

42. Whenever it shall be necessary for a communication to be made from the House of Representatives to the Senate, it shall be under the signature of the clerk.

43. No committee shall sit during the sitting of the House without special leave.

44. No bill or joint resolution shall be received, unless written on an entire sheet of paper.

45. After a vote has been ordered upon any question no member shall be permitted to explain his vote without the unanimous consent of the House.

46. When House bills are signed by the Speaker, thereupon the clerk must, by message, notify the Senate and request the signature of the President of the Senate to said bills.

47. The name of a member who introduces a bill or joint resolution shall be by him endorsed upon the same, and shall be inscribed by the clerk upon the engrossed and enrolled copies when transmitted to the Senate or the Governor.

48. In appointing a committee from the several subdivisions of the State, the Speaker shall designate who shall be chairman of such committee.

49. No person shall be allowed to smoke within the House, lobby or gallery.

50. The Speaker shall, whenever he deems it necessary for the speedy dispatch of business, order the calendar printed for the use of members.

51. When the chairman of a committee is sick or absent, the member whose name appears second on the committee shall, during the absence of the chairman, become chairman, and have power to call together the committee for consideration of bills.

52. No rule shall be rescinded or amended without one day's notice of the motion thereof being given; and a violation of either of them may be punished by such censure as a majority of the House may direct.

53. The tabling of an amendment or subsidiary motion shall not have the effect of carrying with it the original bill or proposition.

54. That the rules of the House shall not be suspended; except by a four-fifths vote of every member present, provided a quorum must vote.

55. No member shall speak more than ten minutes at any time, except as provided in Rule 9.

56. When a bill is reported favorably to the House and a minority report accompanies the favorable report, the minority report shall be considered an amendment and the bill shall be read a second time; and said bill and minority report shall be placed on the calendar and be considered on the third reading of the bill.

57. All bills acted upon by committees shall be endorsed as follows: "This bill having been referred by the House to its standing committee on..... was acted upon by such committee in session, and returned therefrom to the House, with the recommendation that it be..... passed."

58. The doorkeeper shall, ten minutes before the hour fixed for the meeting of the House, clear the House of all persons not entitled to the floor, and it shall be the duty of the doorkeeper to see that all persons not entitled to the privileges of the floor are, at all times, excluded therefrom.

59. The clerk, when in the opinion of the chairman of the several standing committees of the House it will facilitate the

business of the House, to have a bill printed upon the filing of a request by the chairman of any standing committee, shall have printed for the use of the House said bill or bills.

The report of the Committee on Rules was concurred in and adopted and one thousand copies were ordered printed for the use of the House.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Jones:

H. J. R. 5. Whereas, the present administration was elected on a platform of economy in the management of the affairs of State, and

Whereas, such economy cannot be secured unless all appropriations are properly matched by revenues; therefore

Be it Resolved by the House, the Senate concurring, That no appropriation bills shall be considered, except those necessary to cover the actual running expenses of the State and the equipment of the Institution for Feeble Minded at Tuscaloosa, until the revenue bill shall have been perfected, or, in other words, until the adjourned session of the Legislature in April, 1923.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Long:

H. J. R. 6. Resolved by the House, the Senate concurring, That the Rules Committees of the two houses meet and recommend Joint Rules for the two houses.

On motion of Mr. Long, the rules were suspended and the resolution was adopted.

By Mr. Long:

H. J. R. 7. Resolved by the House, the Senate concurring, That when an adjournment is taken today it shall be till Thursday, January 18th, 1923.

On motion of Mr. Long, the rules were suspended and the resolution was adopted.

By Mr. Fite (By Request):

H. J. R. 8. Whereas, there is now pending before the Congress of the United States, a great educational measure, known as the Towner-Sterling bill, and

Whereas, it is of utmost importance that immediate and favorable action be taken on this said bill by our Congress,

Therefore, be it resolved by the House of Representatives, the Senate concurring, That the Congress of the United States be, and is hereby requested, to immediately enact into law the

said Towner-Sterling bill in order that the national program of education may be carried out, and,

Be it further resolved, That a copy of these resolutions be sent to our Senators and Representatives in Congress of the United States.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Ashcraft (Lauderdale) :

H. J. R. 9. Whereas, doubt has been expressed as to the constitutionality of the statutes exempting from taxation the property of certain corporations owning large interests in the State of Alabama; and,

Whereas, if said statutes are not constitutional, the property of said corporations has improperly escaped taxation and should now be assessed for taxation;

Now therefore, Be it Resolved by the House of Representatives, That the Attorney General of the State of Alabama be, and he hereby is, requested to investigate the constitutionality and validity of said acts, and if in his opinion they are found to be unconstitutional and invalid, he shall at once report his finding to the State Tax Commission and said Commission shall be instructed to proceed at once to have such of said property assessed for such time as it is legally liable for taxation not exceeding five years back, and shall take such steps as are necessary and proper to enforce the collection of taxes thereon.

And the resolution was referred to the Standing Committee on Rules.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 6. Relative to the Rules Committee of the two Houses recommending the joint rules for the two Houses.

And returned same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 7. Relative to adjournment of the two Houses until Thursday, January 18, 1923.

And returned same herewith to the House.

J. E. Speight,
Secretary.

ADJOURNMENT.

Under a Joint Resolution heretofore adopted, the House adjourned until 10 o'clock Thursday, January 18th.

FIFTH DAY.

House of Representatives,
Thursday, January 18th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Bob Jones of Montgomery.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Mr. Speaker	Embry	Jones	Sanders (Conecuh)
Adams	Fanning	Kilpatrick	Sanders (Pike)
Adcock	Ferrell	Lee	Sessions
Arrington	Fite	LeMaistre	Smith (Clay)
Ashcraft (Fayette)	Forman	Letson	Smith (Jefferson)
Ashcraft (Lauderd')	Gaines	Long	Smith (Lee)
Bealle	Glass	Love	Snodgrass
Blackwell	Glenn	Luck	Sollie
Bowen, Lewis	Glover	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Goode	Moxley	Stewart (Calhoun)
Boykin	Goodwyn	Nichols	Thompson (Etowah)
Burns	Graves	Norman	Thompson (Jackson)
Burton	Grove	Odom	Tiller
Byars	Guy	Parker	Tunstall
Calloway	Hall	Patterson	Tyson
Cato	Hampton	Pickens	Varner
Christian	Hatter	Poole	Verner
Coleman	Hawkins	Posey	Walker
Cook	Henley	Powell	Wall
Culver	Henson	Ringer	Walton
Cunningham	Hornsby	Rives	Ware
Deloney	Howard	Rountree	Mrs. Wilkins
Dickinson	Howze	Russell	Williams
Dowdle	Hubbard	Rutherford	Wyatt
Dunwoody	Jeter	St. John	Young
Elliott			

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A quorum was present.

JOURNAL.

The Acting Chairman of the Standing Committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Fourth Day and finds same correct.

W. P. Letson,
Acting Chairman.

The report of the committee was concurred in and adopted and the Journal for the Fourth Day was approved.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. E. A. O'Neal, Hon. Walter Moore, Hon. W. R. Doak and Hon. T. A. Rossiter for today.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 3. Requesting the Secretary of State to furnish each member of the House and Senate copies of the Code of 1907 and all Acts since 1907.

And returned same herewith to the House.

J. E. Speight,
Secretary.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, made the following report:

REPORT OF SENATE AND HOUSE COMMITTEES ON RULES.

Mr. Speaker:

Your Committee on Rules beg leave to make the following report:

Resolved, That the joint rules of the Senate and House of the Legislature of Alabama shall be as follows:

JOINT RULES.

OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA,
SESSION 1923.

1. Upon the reception of a message from either House notifying the other of the originating and passing of bills, the Secretary or Clerk, as the case may be, shall immediately after the message is read, proceed to read the bills by their titles, un-

less the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House, or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received; provided, that messages from one House to the other shall take precedence over all other questions

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, as the case may be, shall notify the other House and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. That no local or special bill shall be introduced into either House unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bill.

4. All bills for amendment to any Section or part of the Code, in which the subject matter is stated in the title by reference to the section or other sub-division of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or sub-section relates.

5. That the Secretary of the Senate or Clerk of the House, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both Houses, deliver the bill to the Governor, noting thereon the day and hour and minute of delivery, and shall make a written report thereof to the House or Senate, where the bill originated, showing the number and title of the bill and time of delivery, which shall be spread upon the Journal, and shall become a part of such Journal.

6. All legislative documents, reports or other papers with the exceptions of bills or resolutions, which may be ordered printed by either House, shall be issued in octavo form, 23 ems measure in width, 11 point type with 1 lead only, saddle stitched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF
ALABAMA.

SESSION OF 1923.

Legislative Document No.

(or Calendar No., for that publication, with the name
of the Particular House.)

7. Bills or resolutions ordered printed by either House, or by any committee or the Chairman thereof under the rules of

the respective Houses, shall substantially conform in size, paper and general style to the printed bills of Congress; shall be given a printed bill number in the order received by the State printer, in addition to the Senate or House number; shall be printed on one side of the paper only; shall be saddle stitched or wired on the left side; and the heading of each shall be substantially as follows:

Printed

Senate (or House)

No.

No.

IN THE LEGISLATURE OF THE

STATE OF ALABAMA.

SESSION, 1923.

Jan. (or other date) Senate (or House) Bill (or resolution) No., introduced by Mr. of County.

Read 1 time and referred to committee on (or such other action, showing status at date printed.)

Jan. (or other date) copies ordered printed by the Senate (or House.)

8. In addition to the number of copies of any bill, resolution, document or other printed paper which may be ordered printed by either House, or by any committee, or the chairman thereof, the State printer shall print two hundred additional copies for the use of the Department of Archives and History, unless otherwise ordered by the Director.

9. The privileges of the floor of both Houses are accorded the Director and Clerks of the Department of Archives and History, in aid of the reference work, required by law to be done by the Department for the members of the Legislature.

10. In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill, shall be received or considered unless such amendment shall have first been considered by the Committee of the Whole House, of the House in which the amendment is offered and voted for by two-thirds of the members elected to said House.

Section 10, was on motion of Mr. Long amended by striking out the words "two-thirds" and substituting in lieu thereof "a majority."

And the report as amended was concurred in and adopted.

Also Senate Joint Resolution No. 21 relative to extending to Admiral Benson, Senator Chamberlain and Hon. Frederick I. Thompson addressed the two Houses in joint session.

Also S. J. R. No. 6 relative to Paderewski, former head of the Polish government, addressing the two Houses on his visit to the city.

And the Resolutions Nos. 21 and 6 were concurred in and adopted.

MEMORIAL.

The following memorial was read by the Clerk:

MEMORIAL.

Whereas, the Sabbath day is of divine origin and God Almighty in the commandments calls upon His people to keep it holy, and

Whereas, there is a growing tendency toward desecration of and disregard for this holy day in America, and

Whereas, this tendency is now reaching into our own beloved State and is growing more defiant in attitude and precept, and

Whereas, we view with great alarm this tendency toward corruption of the day and the undermining of one of the cardinal doctrines of the Christian religion and firmest pillars of our civilization; therefore, be it resolved,

First: That the presiding elders of the Alabama Conference of the Methodist Episcopal Church, South, in called conference assembled at Court Street Methodist Church, in Montgomery, January 17, 1923, do commend the attitude taken by Governor William W. Brandon on the stump throughout the State in his pre-election campaign and in his inaugural address and first message to the present Alabama Legislature regarding the observance of the Sabbath day. In this we feel that we voice the attitude of our pastors and people throughout Alabama.

Second: That we commend these words from the Chief Executive to the members of the Legislature and that we pray this honorable body of lawmakers to speedily enact such laws as will put into actual effect the sentiments spoken by him.

Third: That a copy of these resolutions be sent to the Governor of Alabama, the President of the Senate and the Speaker of the House of Representatives of Alabama.

W. B. Murrah,
W. M. Cox,
J. S. Frazer,
C. A. Rush,
R. R. Ellison,
D. P. Slaughter,
J. A. Seall,
W. M. Curtis,
J. M. Dannelly,
B. F. Marshall.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Sollie:

H. J. R. 10. Whereas, it is believed to be the popular will that the Legislature of Alabama, as speedily as may be, repeal outstanding legislation in our tax laws exempting from taxation property situate in this State which should bear its just proportion of tax burdens.

Therefore, Be it resolved by the House, the Senate concurring, that it is the sense of the Legislature, that there be no adjournment thereof until said tax exemptions shall have been repealed; and that it is the further sense of the Legislature that such repeal be effected by or before the 1st of February, 1923; and that property now unjustly exempted from taxation may be taxed and required to bear its just proportion of the tax burdens for and during the present tax year.

And the resolution was referred to the Standing Committee on Rules.

By L. K. Bowen of Jefferson:

H. R. 11. Whereas, the late Governor has recommended that the appropriations for the higher institutions of learning in the State of Alabama be increased fifty per cent under the present administration and he recommends increased appropriations for the common schools of the State; and

Whereas, we heartily favor the cause of education and desire to further its advancement with all the funds at our command and to that end deplore any waste or extravagance in any department of the State government, if such should exist, and believe that the public are fully entitled to be informed as to all matters of expense and expenditure as well as income as relates to the State government and said information to be presented without technicality as to be easily understood;

Therefore, Be it resolved by the House of Representatives of the Legislature of Alabama, That the Speaker of the House of Representatives be and he is hereby requested to appoint a committee to consist of not more than five members of the House of Representatives to investigate and report at the earliest practicable moment during the present session of the Legislature and during the first part thereof the total cost of Kilby Prison and the dairy annexed thereto, the expense of maintenance, the funds available for completion and the source thereof, the amount of money expended and how and from what source obtained and to whom and for what paid, together with the cost of the separate units including the quantity and cost of the land, commissions paid, and any further general or particular information obtainable and constituting a complete and compact understand-

able history of the two institutions together with such recommendations on the part of said committee as they may deem proper.

On motion of Mr. Bowen the rules were suspended and the resolution was adopted.

By Mr. Rountree:

H. R. 12. Whereas, under the present system there is considerable confusion due to conflicting meetings of important standing committees of the House, and

Whereas, there is no regular place for such committees to meet other than this room, where at such times the necessary quiet does not usually prevail;

Therefore, be it resolved by the House of Representatives in regular assembly, That the Speaker of the House be requested and empowered, and he is hereby directed, to appoint a committee consisting of five members to be selected from the various chairmen of the Standing Committees.

Said committee to meet before the next legislative day and to report back at that day:

(a) A suggested schedule for the time of meeting of the various Standing Committees, and

(b) That said committee also investigate into and report on the matter of a regular meeting room for the various Standing Committees.

The resolution was referred to the Standing Committee on Rules.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, reported the said committee in session had acted upon House Resolution No. 12, and the same was adopted. And the Speaker named on said committee Messrs. Rountree, Howze, Ashcraft, Grove and Verner.

Mr. Burns, Chairman of the Standing Committee on Agriculture, returned to the House the following with a favorable report:

HOUSE JOINT RESOLUTION NO. 13 BY THE STANDING COMMITTEE ON AGRICULTURE.

H. J. R. 13. Resolved by the House, the Senate concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from

the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subjects herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

And the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dickinson (with notice and proof) :

H. 50. To amend an Act entitled an act "To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have been abolished, except in counties having a population of fifty thousand or more according to the last Federal census, and to define the powers, jurisdiction and duties of all the county courts which are hereby re-established, and of all county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined, and appeals taken therefrom and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to repeal all laws, whether local, general, or special in conflict with this act;" to eliminate the county of Autauga from the operation of said act; to provide for the disposition of all cases pending in the county court of Autauga at the time of the passage and approval of this act; to eliminate the salary of the judge of the county court, of

Autauga county, and to abolish the county court of Autauga county.

Local Legislation.

Notice and proof H. 50:

TO ABOLISH COUNTY COURT

Notice is hereby given that the following act will be introduced in the next Legislature of Alabama:

To amend an act entitled an act "To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the code of Alabama in all counties wherein the same have been abolished, except in counties having a population of fifty thousand (50) or more according to the last Federal census, and to define the powers, jurisdiction and duties of all the county courts which are hereby re-established, and of all county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined and appeals taken therefrom and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to appeal all laws, whether local or general, or special, in conflict with this act"; To eliminate the county of Autauga from the operation of said act; to provide for the disposition of all cases pending in the county court of Autauga at the time of the passage and approval of this act; to eliminate the salary of the judge of the county court of Autauga county, and to abolish the county court of Autauga county.

Be it enacted by the Legislature of Alabama:

1. That on and after the passage and approval of this act the county court of Autauga county be and the same is hereby abolished.

2. That the act of the Legislature of Alabama of 1915, approved September 26, 1915, (General Acts 1915, pp. 862-5) in so far as the same applies to Autauga County, be and the same is hereby repealed.

3. That all causes now pending, or which may be pending at the time of the passage and approval of this act in said court shall be transferred to the next session of the Grand Jury of the Circuit Court of Autauga county, together with all papers and documents relating to said causes together with all affidavits and warrants of arrest, for their consideration and action by said grand jury.

4. That all judgments rendered by or in such county court and which are unsatisfied at the time of the passage and approval of this act as well as all executions issued from, and forfeitures taken therein, shall be transferred to and enforced in the Circuit court of said county of Autauga, and it shall be the duty of the probate judge to make such transfer under his certificate of correctness.

5. That all laws, or parts of laws providing for a salary of the Judge of the County Court of Autauga County be and the same are hereby repealed, and provided further, that all laws and parts of laws in conflict with this act be and the same are hereby expressly repealed.

State of Alabama, }
Autauga County. }

Personally appeared before me, Chas. Booth, a notary public in and for said State and county, H. S. Doster, who, being first duly sworn, according to law, deposes and says: That he is the editor of the Prattville Progress, a newspaper published at Prattville, in said State and County, and that

the publication of a certain notice, and bill, a true copy of which is here-to attached, has been made in said newspaper for four consecutive weeks.

H. S. Doster.

Sworn to and subscribed before me this 13th day of January, 1923.

Chas. Booth,
Notary Public.

By Mr. Deloney:

H. 51. To amend Section 11 of an Act to provide pensions for soldiers and sailors in the service of the State of Alabama and for their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a Pension Commission for the State of Alabama, and prescribe its powers and duties, approved September 23, 1919, which said section was amended by an act approved October 5, 1920.

Pensions and Soldiers' Homes.

By Mr. Deloney (with notice and proof):

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State Treasury of the sum of Five Hundred Dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

Ways, Means and Appropriations.

Notice and proof, H. 52:

NOTICE.

Notice is hereby given that application will be made to the next session of the Legislature of Alabama, which convenes in January, 1923, for the passage of a law in substance as follows, to-wit:

A bill to be entitled "An Act to provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State Treasury of the sum of Five Hundred Dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

Section 1. Whereas Ennis Roy Jones was arrested by the Deputy Sheriff of Jefferson County, Alabama, and was by him delivered on the 1st day of September, 1921, to the Convict Department of the State of Alabama by the name of John Henry Russell, who was an escaped convict from Lowndes County, Alabama, and

Whereas the said Ennis Roy Jones was held in the State penitentiary of Alabama from the 1st day of September, 1921, until the 4th day of December, 1921, and caused to serve as a convict.

And, whereas the said Ennis Roy Jones was released from said penitentiary because he was not John Henry Russell, as he was supposed to be, and whereas the said Ennis Roy Jones ought in good conscience to have compensation from the State for services rendered by him while so imprisoned;

Now, therefore, Be It Enacted by the Legislature of Alabama, that the sum of Five Hundred Dollars (\$500.00) be, and is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the purpose of compensating the said Ennis Roy Jones for said false imprison-

ment, and for his services rendered the State of Alabama while so imprisoned.

Section 2. Be it further enacted, that the State Auditor is hereby authorized to draw his warrant in favor of the said Ennis Roy Jones on the State Treasury, in the sum of Five Hundred Dollars, for his relief, and to compensate him for the false imprisonment and for services rendered.

Ennis Roy Jones.

State of Alabama, }
Colbert County. }

Before me, Aaron Bresler, a Notary Public in and for said State and County, personally appeared John W. Davis, who being by me duly sworn deposes and says that he is the editor and publisher of the *Alabamian Dispatch*, a newspaper published in Colbert County, Alabama, and that the above and foregoing advertisement did appear in said *Alabamian Dispatch* for four consecutive weeks, namely, in the issues of December 8th, 1922; December 15th, 1922; December 22nd, 1922, and December 29th, 1922.

John W. Davis.

Sworn to and subscribed before me this, the 29th day of December, 1922.

Aaron Bresler,
Notary Public.

By Mr. St. John:

H. 53. To define chiropractic and the practice of chiropractic in the State of Alabama; to create a State board of examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees collected by said board; to provide penalties and punishment for the violations and provisions of this Act; and to repeal all general and local laws, in so far as in conflict with this Act.

Judiciary.

By Mr. Culver:

H. 54. To amend sections 6958 and 6965 of the Code of 1907 of Alabama.

Game, Fish and Forestry Preservation.

By Mr. Howze:

H. 55. To provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and the payment of a contribution to the support of the National Conference of Commissioners on Uniform State Laws.

Judiciary.

By Mr. Howze:

H. 56. To define and protect against fraudulent conveyances and to make uniform the law relating thereto.

Judiciary.

By Mr. Howze:

H. 57. To define liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto.

Judiciary.

By Mr. Smith of Jefferson:

To make uniform the law of bills of lading.

Commerce and Common Carriers.

By Mr. Smith of Jefferson:

H. 59. To make uniform the law of sales of goods.

Judiciary.

By Mr. Rives (By request):

H. 60. To amend Section 3627 of the Code of Alabama of 1907.

Judiciary.

By Mr. Jeter (By request):

H. 61. To amend Section 6148 of the Code of Alabama of 1907.

Judiciary.

By Mr. Lewis Bowen:

H. 62. To amend an act approved September 5th, 1919, entitled "An act to further extend the power and authority of boards of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Revision of Laws.

By Mr. L. K. Bowen:

To amend Section 770 of the Code of Alabama 1907.

Local Legislation.

By Mr. Fite:

H. 64. To authorize and empower railroads and common carriers to issue intra-state passes to the members of the State Tax Commission, its secretary, and other regular designated agents or representatives of said Commission, when traveling on official business.

Judiciary.

By Mr. Fite:

H. 65. To provide for safety to life and property in this State in the construction of steam boilers; prescribing rules and regulations for boilers used in this State which will be uniform with other States' rules now in existence, in order to provide for the free interchange of boilers between States; to provide penalties for violation of this Act.

Mining and Manufacturing.

By Mr. Fite (By request) :

H. 66. To prohibit the having in possession, or use, or operation, of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced; and to prescribe penalties for violation thereof.

Judiciary.

By Mr. Fite:

H. 67. To establish and regulate liens in favor of garage keepers, automobile repairmen, or bailees of motor vehicles, for storing, maintaining or repairing motor vehicles, or furnishing gasoline, accessories, parts, or other supplies for motor vehicles. and to regulate the procedure for the enforcement thereof.

Revision of Laws.

By Mr. Fite (By request) :

H. 68. To make the failure to deliver an automobile, automobile truck, or motor vehicle of any kind upon demand of an owner entitled to possession thereof, or upon demand of a licensee entitled to the possession thereof a misdemeanor, and to prescribe penalties for the violation thereof.

Revision of Laws.

By Mr. Fite:

H. 69. To amend an act of the Legislature of Alabama entitled, "An Act to amend subdivision six (6) of Section 3793, of the Code of Alabama of 1907."

Judiciary.

By Mr. Fite:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Local Legislation.

By Mr. Byars:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Education.

By Mr. Letson (By request) :

H. 72. To divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

Judiciary.

By Mr. Goodwyn:

H. 73. To regulate the sale of lightning rods; to provide for a permit to be issued by the Insurance Commissioner of the State

of Alabama, to fix a license for each county in the State, to fix a maximum privilege tax to be levied by any city or town; to provide penalties for the violation of the provisions of this Act, and to repeal all laws or parts of law, general, local or special, in conflict with this Act.

Ways, Means and Appropriations.

By Mr. Pickens:

H. 74. To provide statutory legislation to conform to Federal Migratory Bird Treaty Act and regulations thereunder.

Game, Fish and Forestry Preservation.

By Mr. Pickens:

H. 75. To amend Section Six Thousand Nine Hundred Sixty-one (6961) and Section Six Thousand Nine Hundred Sixty-three (6963) of the Criminal Code of Alabama, 1907.

Game, Fish and Forestry Preservation.

By Mr. Pickens:

H. 76. To amend Section Six Thousand Nine Hundred Sixty-five (6965) of the Criminal Code of Alabama, 1907.

Game, Fish and Forestry Preservation.

By Mr. Pickens:

H. 77. To amend Section 6958 of the Criminal Code of Alabama, 1907.

Game, Fish and Forestry Preservation.

By Mr. Pickens:

H. 78. To protect wild fur-bearing animals and to provide penalties for the violation of this Act.

Game, Fish and Forestry Preservation.

By Mr. Sollie:

H. 79. To repeal an act entitled an act to encourage the development of the various unused water-powers in this State, by exemptions from taxation for a period of ten years. Approved July 27, 1907.

Revision of Laws.

By Mr. Sollie:

H. 80. To repeal Section 2069, of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Verner:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Judiciary.

By Mr. Goode:

H. 82. To make an appropriation for tick eradication.

Agriculture.

By Mr. Goode:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Agriculture.

REPORT OF STANDING COMMITTEES.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

Mr. Walton, Chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said Committee, in session, had acted on the following bills, and ordered same returned to the House with a favorable report:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

H. 3. To allow to convicts sentenced to the penitentiary such time as was spent in jails, after sentence and pending final adjudication of appeals, as a part of their sentences, provided that in such cases no release from jail was provided for or permitted by appeal bond or otherwise.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 30. To amend Section 6032 of the Code of Alabama.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 7. To create the office of County Treasurer of Coffee County, Alabama; to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Ala-

bama, by the qualified voters of the county at a special election and thereafter at the general election.

H. 10. To validate the levy of the five mill county tax of Escambia county heretofore made and to authorize said county to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said county.

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter county, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justice of the Peace therein to be called the Inferior Court of York.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bill, and ordered same returned to the House with a favorable report:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson county, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and Second Street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn, and by the East Lake Land Company's map of its survey of East Lake; and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered the same returned to the House with an adverse report:

H. 1. To fix and prescribe the salary of the Governor of Alabama and the manner of paying the same.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered that the same be returned to the House with an adverse report:

H. 2. To make it unlawful for any person holding public office in this State, including persons employed by or connected with educational institutions of this State, whose salary or compensation is as much as \$600.00 or more per annum, to lobby or electioneer with any member or members of the Legislature regarding any legislation pending or to be introduced into the Legislature.

H. 33. To prevent State officers from employing in positions of trust in their department of State persons related to them by consanguinity within the fifty degree and by affinity within the third degree.

The above bills were read a second time and placed on the Adverse Calendar.

NOTICE TO TAKE FROM ADVERSE CALENDAR.

Mr. Long gave notice that on the next Legislative Day, he would move to take from the Adverse Calendar House Bill No. 2.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Hildreth:

S. J. R. 26. Whereas, a vacancy now exists in the membership of the Supreme Court of the United States caused by the retirement of Justice Pitney; and whereas we regard Judge William I. Grubb, presiding over the Northern Federal Court, as one of the great outstanding figures of the Federal Judiciary, possessed of every qualification of mind and character requisite for the duties of the Supreme bench:

Therefore, be it resolved:

That the Senate of Alabama, the House concurring, does hereby earnestly urge the President of the United States to appoint Judge William I. Grubb to fill the said vacancy on the United States Supreme Court.

And the Secretary of State is hereby requested and directed to transmit forthwith a copy of this resolution to the President of the United States and to each member of the Alabama delegation in the Senate and House of Representatives of the United States.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The resolution which is set out in the above and foregoing Senate Message was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Randall:

S. J. R. 30. Resolved by the Senate, the House concurring, that a joint committee of the Senate and House, consisting of five members from the Senate and eight from the House be appointed to investigate the expense of every department of the State with a view to putting into effect an economical administration of the affairs of the State.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 30 set out in the above and foregoing message from the Senate was referred to the Standing Committee on Rules.

ADJOURNMENT.

On motion of Mr. Long the House adjourned until tomorrow morning at 10 o'clock.

SIXTH DAY.

House of Representatives,
Friday, January 19th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Little of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Embry	Lee	Sanders (Conecuh)
Adams	Fanning	LeMaistre	Sanders (Pike)
Adcock	Fite	Letson	Sessions
Arrington	Forman	Long	Smith (Clay)
Ashcraft (Fayette)	Gaines	Love	Smith (Jefferson)
Ashcraft (Lauderdl.)	Glass	Luck	Smith (Lee)
Bealle	Glenn	McGowen	Snodgrass
Blackwell	Glover	Melton	Sollie
Bowen, Lewis	Goode	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Moorer	Stewart (Calhoun)
Boykin	Graves	Moxley	Thompson (Etowah)
Burns	Grove	Nichols	Thompson (Jackson)
Burton	Guy	Norman	Tiller
Byars	Hall	Odom	Tunstall
Calloway	Hampton	Parker	Tyson
Cato	Hatter	Patterson	Varner
Christian	Hawkins	Pickens	Verner
Coleman	Henley	Poole	Walker
Cook	Henson	Posey	Wall
Culver	Hornsby	Powell	Walton
Cunningham	Howard	Ringer	Ware
Deloney	Howze	Rives	Mrs. Wilkins
Dickinson	Hubbard	Rountree	Williams
Dowdle	Jeter	Russell	Wyatt
Dunwoody	Jones	Rutherford	Young
Elliott	Kilpatrick	St. John	

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A quorum was present.

JOURNAL.

The Acting Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Fifth Day and finds same correct.

W. P. Letson,
Acting Chairman.

The report of the committee was concurred in and adopted and the Journal for the Fifth Day was approved.

OATH OF OFFICE.

Hon. T. P. McGowen, the Representative from Sumter county, appeared and took the oath of office, which was administered to him by Hon. Hugh D. Merrill, Speaker of the House.

LEAVE OF ABSENCE.

Was granted Mr. Ferrell of Russell indefinitely.

REPORT OF SPECIAL COMMITTEE.

Mr. Rountree, Chairman of the Special Committee which was appointed under Resolution No. 12, made the following report:

REPORT OF HOUSE COMMITTEE APPOINTED UNDER HOUSE RESOLUTION NO. 12.

Mr. Speaker:

Your Committee as above begs leave to report as follows:

1. It seeming advisable to arrange some systematic plan for the decision as to times of meeting of the various Standing Committees of the House, the places of meeting and the announcement of same.

A. Your Committee recommends the following meeting places for the various Committees:

Rules—Cloakroom to the left of Speaker as formerly.

Judiciary—Supreme Court Room.

Revision of Laws—Supreme Court Room.

Ways, Means and Appropriations—Fish & Game Room.

Privileges and Elections—House Chamber.

Education—House Chamber.

Commerce and Common Carriers—Public Utilities Department.

Temperance—Library of the Archives Department.

Agriculture—Department of Agriculture.

Local Legislation—Supreme Court Room.

Corporations—Public Utilities Department.

Penitentiary and Criminal Administration—Prison Department.

Banking and Insurance—Department of Insurance.

Municipal Organizations—Supreme Court Library.

Labor and Immigration—Department of Agriculture.

Public Roads and Highways—State Highway Department.

Mining and Manufacturing—Supreme Court Library.

County and County Boundaries—At the discretion of Chairman.

Pensions and Soldiers' Home—House Chamber.

Public Health—Public Health Department.

Public Buildings and Institutions—House Chamber.

Revision of Journal—Discretion of Chairman.

Military—Office of Adjutant-General.

Game, Fish and Forestry Preservation—Fish and Game Department.

Claims and Fees—Discretion of Chairman.

Public Printing—Discretion of Chairman.

Engrossed Bills—Discretion of Chairman.

Enrolled Bills—Discretion of Chairman.

These places of meeting may be changed at discretion of Chairmen of the various Committees.

B. Your Committee further recommends that just before adjournment each day the Speaker declare a recess of not more than ten minutes, at which time the Chairmen of the various Standing Committees, who wish to call meetings of their respective Committee shall withdraw to the cloakroom on the Speaker's right.

That the Chairman of the first of the Standing Committees shall preside at this meeting, or in his absence the Chairman of the next Committee in line.

That the presiding officer shall then call the roll of the Standing Committees and each Chairman shall make known the time of meeting of his Committee and place of same.

That the Chairmen of the various Committees endeavor to avoid conflict with any other Committee meeting announced previous to their own.

That the presiding officer at the meeting cause the various times and places of Committee meetings to be noted upon a particular list already prepared.

That immediately upon the completion of the roll call, the list of Committee meetings be turned over to the Reading Clerk, who shall notify the Speaker that he has same.

That the Speaker then call the House to order, and instruct the Reading Clerk to read the said list.

That the Reading Clerk have a copy of said list of meetings posted on the House bulletin board immediately thereafter.

All of which is respectfully submitted.

Wm. R. Rountree, Jr.,

Chairman of above named Committee.

The report of the Committee was concurred in and adopted. Mr. Howze moved that five hundred copies of the report be printed, which was on motion of Mr. Long laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Randall:

S. J. R. 33. Whereas, this day, January 19th, 1923, is the one hundred and sixteenth birthday of General Robert Edward Lee, peerless Christian gentleman and chivalrous soldier,

And whereas, the people of Alabama through their representatives have set apart this day each year as a legal holiday, be it resolved by the Senate, the House concurring, that we take this opportunity:

First, to re-affirm our belief in the principles of States rights, in defense of which this great soldier and patriot drew his sword and thousands of loyal Alabamians staked life and fortune.

Second, to proclaim our unqualified admiration for the noble qualities of character and the military abilities of General Lee, a native of Virginia, son of "Light Horse Harry Lee," a founder of the Republic; great-great-grandson of Martha Washington; an honor graduate of West Point; a skilled engineer, in strategy a genius; hero of the Mexican War in which he won promotion by remarkable feats of physical and moral courage, and was pronounced by Gen. Scott, his commander-in-chief as "the greatest living soldier in America;" Commander-in-chief of the armies of the Confederate States of America;

Third: to point to his patience and forbearance under all circumstances; his humane qualities in peace and war; his steadfast refusal to capitalize a people's love for personal gain when the fortunes of war had left him a defeated commander, though a triumphant and idolized hero; an example without parallel in the history of military leaders.

Fourth, in consideration of the foregoing be it resolved that the members of this body, pause in their deliberations, rise, and in a moment of silence, re-dedicate ourselves as men and public servants to a fuller performance of our obligations.

Which was under a suspension of the rules, adopted and ordered sent to the House without engrossment.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in the Senate Message relative to birthday of General Robert Edward Lee, and the House rose in honor of his memory.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 34. Be it resolved by the Senate of Alabama, the House of Representatives concurring, that when both Houses adjourn today, January 19, 1923, that they do adjourn to meet Tuesday, January 23, 1923, at 2 P. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. No. 34, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Hutson:

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Municipal Organizations, S. 17.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate Joint Resolution:

By Mr. Pelham:

S. J. R. 36. Be it resolved by the Senate, the House concurring, That Hon. C. E. McCall, Chief Examiner of Public Accounts, is hereby requested to furnish to the Senate as soon as practicable with a list of all employees in the pay of the State in every department conducting the business of the State, their names, sex, and amount of salary paid to each.

SENATE MESSAGE.

The above and foregoing S. J. R. No. 36 was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has adopted the following Joint Resolution:

S. J. R. 35. Whereas, the question of abolishing the office of Tax Adjuster of the several counties in Alabama was made a campaign issue in the last election, both as to Legislative and Executive offices, and

Whereas, practically all candidates for office in the last democratic primary pledged the people in the event of their election said office would **be abolished**; and

Whereas, under the existing law the Tax Adjusters are now actively engaged throughout the state in fixing values upon property, and will on the first Monday in May file with the several Tax Assessors valuations as fixed by them, and after three weeks notice given by the Tax Assessors, the said Adjusters will meet in the several counties of the State on the first Monday in June, at which time all of said valuations will be made final, and

Whereas, upon making the valuations final upon real estate, said valuations remain the assessed values for the next two years, and

Whereas, if action is not taken by the Legislature before recessing to a later date, the tax payers of Alabama will be deprived of the relief promised them in campaign pledges.

Therefore, be it resolved by the Senate, the House concurring, that it is the sense of the Legislature that it remain in session and not adjourn more than three days at a time until the office of the Tax Adjuster in the several counties is abolished and their duties placed upon the several Tax Assessors and Boards of County Commissioners or Boards of Revenue of the several counties, and thereby carry out the pledge made to the people of Alabama.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long the House concurred in and adopted the Senate Joint Resolution, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the following amendment by the House to the Joint Rules of the two Houses:

"10. In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill, shall be received or considered unless such amendment shall have first been considered by the Committee of the Whole House, of the

House in which the amendment is offered and voted for by a majority of the members elected to said House."

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House:

By Mr. Duncan:

S. J. R. 27. Resolved by the Senate, the House concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subjects herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The President of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested :

S. J. R. 6. Relative to extending to Paderewski, former head of the Polish government, an invitation to address the Legislature of Alabama in joint session, on the day of his arrival in the City of Montgomery, at 12 o'clock, noon.

S. J. R. 21. Relative to the Legislature of Alabama extending an invitation to Admiral Benson, Senator Chamberlain, and the Hon. Frederick I. Thompson, of the United States Shipping Board, to address in joint session the Legislature of Alabama at their earliest convenience, on the benefits of a Merchant Marine, of a Ship Sudsidy, to keep the American flag afloat on the seas of the world. And that this resolution be sent by the Governor to the above named gentlemen.

J. E. Speight,
Secretary.

SIGNING OF RESOLUTIONS.

The Speaker of the House, in the presence of the House, signed the Resolutions, the titles to which are set out in the above and foregoing message from the Senate.

APPOINTMENT OF COMMITTEES.

The Speaker announced the appointment of the following committee on part of the House, under S. J. R. No. 15 by Mr. Duncan relative to a Joint Committee of the two Houses urging Congress to accept the Ford offer for Muscle Shoals. Said committee on part of the House: Messrs. Verner, Chairman; Snodgrass and Sollie.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Culver:

H. J. R. 14. Resolved, that a joint committee from the Senate and the House of Representatives of the Legislature of Alabama is hereby authorized to consist of two members from the Senate to be appointed by the President of the Senate and of three members from the House to be appointed by the Speaker of the House, which shall consider and recommend to the Legislature the per diem and mileage which members of recess committees of the Legislature shall receive.

The rules were suspended and the resolution was adopted.

By Mr. Glenn:

H. J. R. 15. Resolved by the House, the Senate concurring, that, whereas, a vacancy has occurred in the office of Secretary

of the Interior, under the National Government, and, whereas, the Honorable Alfred A. Taylor, Governor of the State of Tennessee, whose term of office as such has just expired, has at all times manifested a keen interest in the development of our national resources and industries; and, whereas it is our judgment that, while Governor Taylor has been a life long republican, he is a broad-minded American, with a national scope of vision, and that he would administer with credit and satisfaction to every section of our country the duties of the office;

Therefore, be it resolved, that we respectfully commend to the President of the United States the Hon. Alfred A. Taylor, for appointment to the office of Secretary of the Interior.

Be it further resolved that a copy of these resolutions be transmitted to the President of the United States.

The resolution was referred to the Standing Committee on Rules.

By Mr. Culver:

H. J. R. 16. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken

thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature, together with such suggested bills and resolutions as the committee may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

The resolution was referred to the Standing Committee on Rules.

By Mr. Kilpatrick:

H. J. R. 17. Whereas, the continued admission of undesirable immigrants into the United States under the operation of our present laws, taken in connection with the vast number of unnaturalized and unassimilated persons heretofore admitted through lax laws, constitutes a vital and growing menace to American institutions and American ideals; and,

Whereas, if this menace is not checked it will eventually undermine and destroy respect for law, orderly government, every patriotic impulse and the loyal character of American citizenship as well as disorganize our industrial and economic structure and ought, therefore, to be the concern of every true American; now, therefore, be it

Resolved by the House, the Senate concurring, that the members of the Alabama delegation in the National Congress be requested and urged to oppose with all their power any effort to repeal any of the present Federal laws restricting and limiting immigration; and be it

Resolved further that the Alabama Senators and Representatives in Congress be urged and requested to support all measures which will suspend and forbid all immigration for such period of time as will enable the formulation of a definite and constructive plan for the protection of America against the dangerous influx of aliens who are not in sympathy with American ideals and institutions.

Resolved further that the Clerk of the House forthwith forward a copy of this resolution to the Senators and Representatives in Congress from Alabama.

The Rules were suspended and the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Cato (By request) :

H. 84. To provide for the payment of the costs of clerks, registers and sheriffs in cases where the State and any county of the State have upon the order of the Governor filed a bill or bills to enforce the lien of the State and county upon real estate for the payment of taxes due the State and county when such bills have been dismissed or when such costs cannot be made under decree of sale or execution or where the real estate has been sold under decree of sale and bid in by the State.

Claims and Fees.

By Mr. Cato (By request) :

H. 85. To provide for the relief of Tax Collectors, or the sureties upon their official bonds, in cases where they have incurred liability on account of the seizure or sale, by the Tax Collector, of personal property for the payment of taxes when acting in obedience to the directions or instructions of the State Tax Commission or its executive officers.

Revision of Laws.

By Mr. Adams :

H. 86. To regulate traffic at all railroad crossings in Alabama and to provide penalties for violations thereof.

Commerce and Common Carriers.

By Mr. Long :

H. 87. To further regulate the general revenue of the State.

Commerce and Common Carriers.

By Mr. St. John :

H. 88. To provide for the election of County Superintendents of Education in the several counties of the State of Alabama by the qualified electors of such county; to prescribe his or her qualifications and duties and to provide for the salary and compensation of such officer.

Education.

By Mr. Williams :

H. 89. To provide for the distribution of the funds arising from the tax on iron ore and coal mined in the several counties of Alabama, known as the "Tonnage Tax," between the State of Alabama and the counties in which the tonnage is mined as follows: 60% to the State of Alabama and 40% to the county in which such iron ore and coal is mined, and to provide the manner of its payment.

Ways, Means and Appropriations.

By Mr. Howze :

H. 90. To provide for the situs of debts due to non-residents for the purposes of attachment.

Judiciary.

By Mr. Howze (By request) :

H. 91. To provide for the council-manager form of government for all cities in Alabama which now have, or which may hereafter have, a population of one hundred thousand people, or more, according to the last Federal census, or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this act; to provide for the submission of the question of the adoption of the provisions of this act to the voters of such city at an election; to provide for the division of such city into wards; to provide for the election and selection of mayor, councilmen and city manager and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said officers, and other violations of the provisions of this act, and to otherwise provide for the creation, conduct and maintenance of said council-manager form of government, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Municipal Organization.

By Mr. Jeter :

H. 92. To amend Section Sixty-nine Hundred Seventy-seven (6977) of the Criminal Code of 1907.

Game, Fish and Forestry Preservation.

By Mr. Odom :

H. 93. To amend Section 5 of an act approved October 5, 1920, entitled an Act to amend Sections 4 and 5 of an Act approved September 23, 1919, entitled "An Act to provide pensions for soldiers and sailors of the service of the State of Alabama, and for their widows and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties" by changing the term of required residence in the State from five to three years and by providing a requirement of additional, specific duties to be performed in carrying out the purposes of said Act and compensation therefor.

Pensions and Soldiers' Homes.

By Mr. Dowdle :

H. 94. For the relief of Carl M. Glass, Tax Collector of Pickens county, Alabama.

Ways, Means and Appropriations.

By Mr. Embry :

H. 95. To authorize boards of county commissioners, boards of revenue, or other like governing bodies of counties in Alabama to purchase or condemn road building and maintenance material, and rights-of-way for roads to and from such material.

Public Roads and Highways.

By Mr. Pickens:

H. 96. To further provide penalties for violation of the Conservation statutes.

Game, Fish and Forestry Preservation.

By Mr. Pickens:

H. 97. To amend Section Six Thousand Nine Hundred Sixty-four (6964) of the Criminal Code of 1907.

Game, Fish and Forestry Preservation.

By Mr. Posey:

H. 98. To require the Secretary of State or other custodian thereof to furnish to branch courts throughout the State each a set of the Alabama Reports, Alabama Codes, Acts of the State Legislature, Alabama Digests, and other books pertaining to the laws of the State of Alabama, or as many of them as he may now have on hand or in his possession, and to distribute said publications to said courts as often as published, as now provided to be furnished to Circuit Judges throughout the State.

Revision of Laws.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered the same returned to the House with a favorable report:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 20. To repeal Section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under General or Special Laws of this State or that may hereafter be incorporated under General Laws.

H. 62. To amend an act approved September 5th, 1919, entitled, "An Act to further extend the power and authority of Boards of Revenue of Counties having a population of more

than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such Boards to appropriate money or funds out of the County Treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such Boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise."

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

H. 46 (With amendment). To amend Sections 3613, 3615 and 3622 of the Code of 1907.

Mr. Burns, Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report (with substitute):

H. 82 (With substitute). To make an appropriation for tick eradication.

H. 83 (With substitute). To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 74. To provide statutory legislation to conform to Federal Migratory Bird Treaty Act and regulations thereunder.

H. 75. To amend Section Six Thousand Nine Hundred Sixty-one (6961) and Section Six Thousand Nine Hundred Sixty-three (6963) of the Criminal Code of Alabama, 1907.

H. 76. To amend Section Six Thousand Nine Hundred and Sixty-five (6965) of the Criminal Code of Alabama, 1907.

H. 77. To amend Section 6958 of the Criminal Code of Alabama, 1907.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered that the same be returned to the House with an adverse report:

By Mr. Long:

H. 4. To amend Section 7514 of the Code of Alabama of 1907.

The above bill was read a second time and placed on the Adverse Calendar.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Long called up his motion to take from the Adverse Calendar:

H. 2. To make it unlawful for any person holding public office in this State, including persons employed by or connected with educational institutions of this State whose salary or compensation is as much as \$600.00 per annum, to lobby or electioneer with any member or members of the Legislature regarding any legislation pending or to be introduced into this Legislature.

And the motion to take said bill from the Adverse Calendar was lost.

Yeas, 39; nays, 61.

Yeas:

Messrs:

Arrington
Blackwell
Boykin
Burton
Calloway
Cato
Christian
Cook
Deloney
Dunwoody

Elliott
Glover
Goode
Guy
Hall
Hampton
Hawkins
Henley
Henson
Hornshy

Kilpatrick
Lee
LeMaistre
Long
Love
Mooneyham
Moxley
Norman
Parker
Poole

Rives
Rutherford
Sanders (Conecuh)
Sanders (Pike)
Sessions
Sollie
Stewart (Bibb)
Tyson
Young

Nays:

Messrs:

Mr. Speaker	Forman	McGowen	Snodgrass
Adams	Gaines	Melton	Stewart (Calhoun)
Adcock	Glass	Nichols	Thompson (Etowah)
Ashcraft (Lauderd'l)	Glenn	Odom	Thompson (Jackson)
Bealle	Goodwyn	Patterson	Tiller
Bowen, Lewis	Graves	Pickens	Tunstall
Bowen, L. K.	Grove	Posey	Varner
Burns	Hatter	Powell	Verner
Byars	Howard	Ringer	Walker
Culver	Howze	Rountree	Wall
Cunningham	Hubbard	Russell	Walton
Dickinson	Jeter	St. John	Ware
Dowdle	Jones	Smith (Clay)	Mrs. Wilkins
Embry	Letson	Smith (Jefferson)	Williams
Fanning	Luck	Smith (Lee)	Wyatt
Fite			

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BILLS ON THIRD READING.

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

Was read a third time at length and passed.

Yeas, 88; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jones	Sanders (Conecuh)
Adams	Embry	Kilpatrick	Sanders (Pike)
Adcock	Fanning	LeMaistre	Smith (Clay)
Arrington	Fite	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Forman	Luck	Smith (Lee)
Ashcraft (Lauderd'l)	Gaines	McGowen	Snodgrass
Bealle	Glass	Melton	Sollie
Blackwell	Glenn	Mooneyham	Stewart (Calhoun)
Bowen, Lewis	Glover	Moxley	Thompson (Etowah)
Bowen, L. K.	Goode	Nichols	Thompson (Jackson)
Boykin	Goodwyn	Norman	Tiller
Burton	Graves	Odom	Tunstall
Byars	Grove	Parker	Varner
Calloway	Hall	Patterson	Verner
Cato	Hampton	Pickens	Walker
Christian	Hatter	Poole	Wall
Coleman	Hawkins	Posey	Walton
Cook	Henley	Ringer	Ware
Culver	Henson	Rives	Mrs. Wilkins
Cunningham	Howard	Rountree	Williams
Deloney	Howze	Russell	Wyatt
Dickinson	Jeter	St. John	Young

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H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Was taken up. Mr. Ashcraft (Lauderdale) offered the following amendment to the bill:

Amend House Bill No. 5 by adding at the end of Section 8 thereof the following:

Provided, however, that the Governor, as soon as suitable quarters and employment can be provided for the convicts, and the finances of the State can be so readjusted as to permit of the same, shall discontinue the lease system; and provided further that the Governor shall in his discretion remove portions of the convicts from lease employment as rapidly as said provisions therefor can be effected.

And the amendment was adopted.

Yeas, 86; nays, 9.

Yeas:

Messrs:

Mr. Speaker	Fanning	Long	Sessions
Adcock	Fite	Luck	Smith (Clay)
Arrington	Forman	McGowen	Smith (Jefferson)
Ashcraft (Fayette)	Gaines	Melton	Smith (Lee)
Ashcraft (Lauderd ^l)	Glass	Mooneyham	Snodgrass
Bealle	Glenn	Moxley	Sollie
Blackwell	Glover	Nichols	Stewart (Calhoun)
Bowen, Lewis	Goode	Norman	Thompson (Etowah)
Boykin	Goodwyn	Odom	Tiller
Burton	Grove	Parker	Tunstall
Byars	Hall	Patterson	Tyson
Calloway	Hampton	Pickens	Varner
Cato	Hawkins	Poole	Verner
Coleman	Henley	Posey	Walker
Cook	Henson	Ringer	Wall
Culver	Hornsby	Rives	Walton
Cunningham	Howard	Rountree	Ware
Deloney	Howze	Russell	Mrs. Wilkins
Dickinson	Hubbard	Rutherford	Williams
Dowdle	Jones	St. John	Wyatt
Elliott	LeMaistre	Sanders (Pike)	Young
Embry	Letson		

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Nays:

Messrs:

Adams	Guy	Jeter	Powell
Bowen, L. K.	Hatter	Kilpatrick	Thompson (Jackson)
Christian			

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And the bill:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands

of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

As amended was read a third time at length and passed.

Yeas, 74; nays, 20.

Yeas:

Messrs:

Mr. Speaker	Embry	LeMaistre	Smith (Clay)
Adcock	Gaines	Long	Smith (Lee)
Arrington	Glass	Luck	Snodgrass
Ashcraft (Fayette)	Glenn	McGowen	Sollie
Ashcraft (Lauderd'l)	Glover	Melton	Stewart (Calhoun)
Bealle	Goode	Mooneyham	Tiller
Blackwell	Goodwyn	Moxley	Tunstall
Boykin	Guy	Norman	Tyson
Burton	Hall	Odom	Varner
Calloway	Hampton	Parker	Verner
Christian	Hatter	Pickens	Walker
Coleman	Henley	Poole	Wall
Cook	Henson	Ringer	Walton
Culver	Hornsby	Rountree	Ware
Cunningham	Howard	Rutherford	Mrs. Wilkins
Deloney	Howze	St. John	Williams
Dickinson	Hubbard	Sanders (Pike)	Wyatt
Dowdle	Jones	Sessions	Young
Elliott	Kilpatrick		

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Nays:

Messrs:

Adams	Fanning	Jeter	Rives
Bowen, Lewis	Fite	Letson	Russell
Bowen, L. K.	Forman	Patterson	Smith (Jefferson)
Byars	Grove	Posey	Thompson (Etowah)
Cato	Hawkins	Powell	Thompson (Jackson)

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ADJOURNMENT.

On motion of Mr. Long, the House adjourned until Tuesday, January 23rd, at 2 o'clock P. M.

SEVENTH DAY.

House of Representatives,
Tuesday, January 23rd, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Holliday of Ranburne.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Adams	Fite	Kilpatrick	Sanders (Pike)
Adcock	Forman	Lee	Sessions
Arrington	Gaines	LeMaistre	Smith (Clay)
Ashcraft (Fayette)	Glass	Letson	Smith (Jefferson)
Ashcraft (Lauderd'l)	Glenn	Long	Smith (Lee)
Bealle	Glover	Love	Snodgrass
Blackwell	Goode	Luck	Sollie
Bowen, Lewis	Goodwyn	McGowen	Stewart (Bibb)
Bowen, L. K.	Graves	Melton	Stewart (Calhoun)
Burns	Grove	Moxley	Thompson (Etowah)
Burton	Guy	Nichols	Thompson (Jackson)
Byars	Hall	Norman	Tiller
Calloway	Hampton	Odom	Tunstall
Coleman	Hatter	Parker	Varner
Cook	Hawkins	Patterson	Verner
Culver	Henley	Pickens	Walker
Cunningham	Henson	Posey	Wall
Deloney	Hodgson	Powell	Walton
Dickinson	Hornsby	Ringer	Ware
Dowdle	Howard	Rives	Mrs. Wilkins
Dunwoody	Howze	Rountree	Williams
Elliott	Hubbard	Russell	Wyatt
Fanning	Jeter	St. John	Young
Ferrell	Jones	Sanders (Conecuh)	

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Sixth Legislative Day and finds same correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted, and the Journal for the Sixth Day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Poole, Cato, Tyson, Boykin and Embry indefinitely on account of sickness.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Thompson (Etowah):

H. J. R. 18. Resolved 1. That a Joint Committee from the Senate and House of Representatives of the Alabama Legislature be appointed, to consist of two members from the Senate to be appointed by the President of the Senate and three members from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the purpose of investigating the offices and departments of State to ascertain what force and assistants is necessary for the proper conduct of the different departments of State, and also to ascertain what officers, if any, can be abolished without detriment to the efficiency of the administration of the affairs of the State.

Resolved 2. That such committee shall have the power to examine all departments of State, all records and papers relative to the conduct of such department, and require the head of such department, or the officer conducting an office to furnish such information as the committee deems necessary for proper determination of the necessity of the office or department, or assistants of such officer or employee of such department.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Powell:

H. J. R. 19. Whereas, a bill has been introduced providing for the payment of a license or privilege tax by persons engaged in the business of producing and selling hydro-electric power or current, which tax it is proposed to be measured by the amount of current or power produced and sold; and

Whereas, the Legislature does not wish to impose a tax of this character on the hydro-electric companies that would be burdensome or unfair;

Now, therefore, be it resolved,

First: That a joint committee from the Senate and the House of Representatives of the Legislature of Alabama is hereby authorized, to consist of two members of the Senate to be appointed by the President of the Senate and three members of the House to be appointed by the Speaker of the House, which shall im-

mediately investigate and ascertain what would be a fair and equitable license tax on such companies;

Second: That said committee shall have the power to summons before it witnesses and to take testimony for the purpose of determining the proper measure of the tax to be included in the bill heretofore mentioned.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Grove:

H. J. R. 20. Whereas, the Southern Forestry Congress will hold its Fifth Annual Convention in the City of Montgomery, Alabama, on January 29th-31st, inclusive:

Therefore, be it resolved by the Senate, the House concurring, That a Joint Resolution be passed inviting Hon. H. S. Graves, Professor of Yale School of Forestry, Henry E. Hardtner, a practical lumberman, and E. F. Allison, lumber king, to address a Joint Session of the Legislature, the Governor and State officials of the State of Alabama, on January 30th, 1923, on the importance of reforestration of our State, and what it means to the State and Nation. The Commissioner of Conservation is hereby instructed to forthwith extend invitations to the above named gentlemen to be present on that date.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Moxley.

H. J. R. 21. Joint resolution of assent to act of congress for the promotion of the welfare and hygiene of maternity and infancy.

Whereas, the congress of the United States has passed an act approved by the President, November 23, 1921, entitled, "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," and

Whereas, it is provided in sections 2 and 4 of the act aforesaid, that the grants of money authorized by this act "shall be paid annually to each state," and "that in order to secure the benefits of the appropriations * * * any state, shall through the legislative authority thereof, accept the provisions of the act and designate or authorize the creation of a State agency with which the children's bureau shall have all necessary powers to co-operate as herein provided in the administration of the provisions of this act; provided that in any state having a child welfare or child hygiene division in its state agency of health the said State Board of Health shall administer the provisions of this act through such divisions;" therefore be it

Resolved, by the House of Representatives of Alabama and the Senate concurring that the assent of the Legislature of the

State of Alabama be and is hereby given to the provisions and requirements of said act, and the treasurer of the State of Alabama be and he is hereby authorized and empowered to receive the grants of money appropriated under said act; and the State Board of Health be and is hereby authorized to organize and conduct the work in accordance with the terms and conditions expressed in the act of congress aforesaid.

And the resolution was referred to the Standing Committee on Public Health.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the duties of the Budget Commission.

Respectfully,

A. L. Tyson,
Secretary to the Governor.

January 23, 1923.

GOVERNOR'S MESSAGE.

Gentlemen of the House of Representatives:

Whereas, Section 4 of the Budget Act, Acts of 1919, page 33, provides that "within fifteen days after the convening of the Legislature in regular session, the budget commission shall through its chairman, (who is the Governor) submit a budget for the ensuing four fiscal years."

I find it impracticable if not impossible to submit this budget within the time required by the statute and as I have in my message requested the Legislature to appoint a joint committee to sit with the Budget Commission for the purpose of ascertaining the data and facts necessary to enable the Budget Commission to prepare a complete plan of proposed expenditures and the estimated revenues for the ensuing quadrennium, as well as an itemized estimate of the appropriations, for the Legislature as is required by the Budget Act, I, therefore, recommend that the Legislature pass a joint resolution providing for a joint committee consisting of the Speaker of the House, the President Pro-tem of the Senate, and three members from the House and two from the Senate, the members from the House to be appointed by the Speaker and those from the Senate by the Lieutenant Governor, which committee shall be empowered and directed to sit with the Budget Commission during the recess period of the Legislature to investigate the financial condition and needs of the State and of its several departments, and to act with and to assist the Budget Commission in any manner that may be deemed necessary in order to carry out the purpose of the Budget Commission and to report to the adjourned session of the Legislature a well-defined financial plan for the State, the objects of the expenditures, the source and yield of revenues and the way the expenditures and revenues are made to balance, and that the members of said committee shall receive the same compensation while they are sitting with the Budget Commission and making the reports as they receive as members of the Legislature while engaged in their legislative duties.

Respectfully,

January 23, 1923.

Wm. W. Brandon,
Governor.

The above message from the Governor was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Brower:

S. 9. To amend Section 6032 of the Code of Alabama.

By Mr. Brower:

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

By Mr. McNeil:

S. 28. To amend Section 1188 of the Code of 1907.

By Mr. Teasley:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

By Mr. Foster:

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

By Mr. Foster:

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

By Mr. Inzer:

S. 22. To provide for the withdrawal of any deposit of mutual aid or industrial association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Municipal Organization: S. 9, S. 10, S. 28.

Judiciary: S. 7.

Ways, Means and Appropriations: S. 26, S. 27.

Banking and Insurance: S. 22.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 45. Be it resolved by the Senate of Alabama, the House concurring, that when both houses adjourn today, they stand adjourned until Thursday, January 25th, 1923, at 10 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the Senate Joint Resolution set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to:

S. J. R. 15. Creating a Joint Committee of the Senate and House to draft a resolution urging Congress to accept the Ford offer for Muscle Shoals, the President of the Senate has appointed on the part of the Senate Messrs. Duncan and Bonner.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Garth:

S. 38. To create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing, in said county and abolishing said Board of Revenue of Madison County; to divide said County of Madison into Five districts, defining the boundaries thereof; defining the jurisdiction of said

Board of County Commissioners; fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers, and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said Board of County Commissioners of a Clerk; and a Supervisor of Public Roads; providing of the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given as required by Section 106 of the Constitution, of the State of Alabama, that application will be made to the Legislature of Alabama at its session beginning January 9, 1923, for the passage of substantially the following bill.

A Bill to be entitled:

AN ACT

To create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing, in said County and abolishing said Board of Revenue of Madison County; to divide said County of Madison into Five Districts defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners; fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said Board of County Commissioners of a Clerk; and a Supervisor of Public Roads; providing of the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created and established "The Board of County Commissioners of Madison County" to be composed of Five members, one of whom shall be the Chairman of the Board of County Commissioners, and all of whom shall be qualified voters of said County.

Section 2. The "Board of Revenue of Madison County" as now instituted, is hereby abolished from and after the time this act becomes effective and is put into operation, and there is hereby conferred upon the Board of County Commissioners of Madison County, all jurisdiction and powers which are now, or may hereafter by law be vested in the Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of the State.

Section 3. That for the purpose of this Act and the enforcement thereof, the said County of Madison is hereby divided into Five Subdivisions, to be known as Districts, and numbered respectively, from one to five, both inclusive. District No. 1 shall embrace and be composed of all that territory now constituting beats or precinct numbered Fourteen,

Seventeen, Two Twenty Three, Twelve and Eleven and known respectively as Wells, Plevna, New Market, Sulphur Springs, Hazel Green and Meridianville. District No. 2 shall embrace and be composed of all that territory now constituting beats or precinct numbered Fifteen, Three Twenty-two and Sixteen and known respectively as Gurley, Maysville, Hurricane No. 1 and 2 and Deposit. District No. 3 shall embrace and be composed of all that territory now constituting beats or precinct numbered Six, Eighteen, Five, Thirteen, Nineteen and Four and known respectively as Whitesburg, Clouds Cove, New Hope or Vienna, Popular Ridge, Owens Cross Roads and Colliers. District No. 4 shall embrace and be composed of all that territory now constituting beats or precincts numbered Ten, Nine, Twenty-one and Eight and known respectively as Madison Cross Roads, Cloutersville, Monrovia and Madison. District No. 5 shall embrace and be composed of all that territory now constituting beats or precincts numbered One, Twenty, Twenty-four and Twenty-five and known respectively as, Huntsville, Dallas, West Huntsville, and Merrimack.

Section 4. One member of the Board of County Commissioners shall be elected from District No. 1 by the qualified voters of said District, every four years and he shall be a resident of said district. One member of the Board of County Commissioners shall be elected from District No. 2 by the qualified voters of said District, every four years and he shall be a resident of said District. One member of the Board of Commissioners shall be elected from District No. 3 by the qualified voters of said district, every four years and he shall be a resident of said district. One member of the Board of County Commissioners shall be elected from District No. 4, by the qualified voters of said district, every four years and he shall be a resident of said district. Whenever a member of said Board from either of said districts shall remove from said district from which he was elected, his office on said Board shall become vacant and his successor should be appointed by the Board to serve until the next general election and until his successor is elected and qualified. The Chairman of the Board shall live in District No. 5 and shall be a resident of said District No. 5 at the time of his election or appointment and he shall be elected by the qualified voters from the County at large.

Section 5. Members of the Board of County Commissioners, shall be nominated by the voters of the respective Districts, who are authorized to participate in any primary, caucus or convention held or called by any party.

Section 6. The Chairman of the Board of County Commissioners shall be appointed by the Governor to hold until the next general election in 1924 and until his successor is elected and qualified. The term of the Chairman shall be four years and until his successor is elected and qualified, and the Chairman shall be elected at the general election 1924 and every four years thereafter. One member of the Board of County Commissioners for each district numbered one, two, three and four, shall be appointed by the Governor to hold until the next general election of 1924 and until their successors are elected and qualified. The term of said Four Commissioners shall be Four Years and until their successors are elected and qualified and a Commissioner for each of the said Districts numbered one, two, three and four shall be elected at the general election in 1924 and every four years thereafter.

Section 7. The Chairman of the Board of County Commissioners shall receive a salary of Twenty-Five Hundred (\$2500.00) Dollars per annum, payable monthly from the County Treasury, and the other four members of the Board of County Commissioners shall receive Eight (\$8.00) Dollars per diem for each day such member is in attendance upon the meeting of the Board, such compensation being payable from the County Treasury, provided that no such member of the Board except the Chairman thereof, shall receive compensation for his services in excess of Four Hundred (\$400.00) Dollars per annum.

Section 8. The Chairman of the Board of County Commissioners is required to give his entire time and attention to the business of the Board of County Commissioners; he shall be its presiding officer, and in addition to the rights, powers, and duties prescribed in this Act, he shall exercise and perform all other rights and duties in relation to the Board of County Commissioners, and shall be liable to the same penalties in connection therewith as are now exercised and performed by the President of the Board of Revenue of Madison County, and the Judges of Probate of the several counties of this State as provided under the general laws of the State, in relation to the Court of County Commissioners. He shall issue warrants to all persons whose claims have been allowed by the Board of County Commissioners and in the same manner and under the same restrictions as same have been hereunto issued by the President of the Board of Revenue or the Judge of Probate of Madison County.

Section 9. Each member of the Board of County Commissioners is hereby required, before entering upon the duties of his office, to make and file the statutory oath of office, together with a bond with a good and sufficient sureties, to be approved by the Judge of Probate of said County, payable to Madison County, conditioned for the faithful performance of the duties of their respective offices, such oath and bond to be filed with the Judge of Probate of said County. The bond of the Chairman of the Board is hereby fixed at Twenty Thousand (\$20,000.00) Dollars, and the bond of the other four members of the Board are hereby fixed at Five Thousand (\$5,000.00) Dollars each.

Section 10. The Board of County Commissioners shall hold regular meetings on the first Monday in each month, and may hold special meetings at any time on the call of the Chairman of the Board or of three members, entered in writing on the minutes of the Board. Three members of the Board shall constitute a quorum.

Section 11. The Board of County Commissioners may employ a competent Engineer who shall have charge and supervision of the Road Work in said County, and the Board of County Commissioners shall fix his compensation and prescribe his duties, and he shall be answerable to the Board of County Commissioners for the faithful performance of same. Said Board shall have the right to discharge said Engineer at any time they see fit without giving any reason therefor. The Board may employ a competent clerk and fix his compensation not to exceed One Thousand (\$1000.00) Dollars per annum. The Board shall have the right to discharge said Clerk at any time they see proper without giving any reason therefor.

Section 12. The Board of County Commissioners shall have all the jurisdiction and powers conferred, or which may hereafter be conferred, upon the Court of County Commissioners, Boards of Revenue, and other like governing bodies in the Counties of this State, by the general laws of the State.

Section 13. For the purpose of this Act, the Road year shall be deemed to begin October 1st and to end September 30th, of each year. No person under the age of Twenty-One years on October 1st of any year shall be liable for road duty for the road year.

Section 14. All persons liable for road duty are liable to work on the Public Roads of Madison County for a period not exceeding ten days in each road year, not counting the time spent in opening new roads, provided that a money compensation may be paid by any such person in lieu of road work, the amount of such compensation not to exceed Ten (\$10.00) per annum for each such person. The Board of County Commissioners shall fix number of days of work, and the amount of compensation that may be paid in lieu thereof, within the limits prescribed by this Act.

Section 15. Whenever the Board of County Commissioners shall fix the amount of compensation to be paid in lieu of road work, any person

liable to road duty in said county may procure exemption from working the roads for that road year by paying the sum so fixed by the Board to the Tax Collector of Madison County on or before March 1st of the year in which he is liable to road duty, and it shall be the duty of the Tax Collector to receive such payment and to give a receipt for same and the person holding same is required to exhibit such receipt to the person warning him for such service, in order to obtain exemption from road duty. The Board of County Commissioners shall each year on or before October 1st cause to be made out and delivered to the Tax Collector a list of all persons in each precinct who are subject to Road duty. It shall be the duty of a Tax Collector of Madison County to furnish the Board of County Commissioners by the 15th day of March of each year a properly verified list of all persons who have failed to obtain exemption from road work by the payment of money. The Tax Collector shall be paid by the County the sum of Twenty Five Cents for each person making payment, in lieu of road work as herein provided.

Section 16. Any person who is warned to work the roads in Madison County may obtain the benefit of the aforesaid provisions for the payment of the compensations in lieu of road work by paying such amount as may be specified by the Board of County Commissioners to the Tax Collector of Madison County on or before the 1st day of July of each year.

Section 17. Every person liable to road duty in the County of Madison and who does not procure exemption therefrom, as herein provided, is hereby required to work on any public road in the precinct of his residence to which he may be warned, and for each default he shall be guilty of a misdemeanor and punishable as provided by law.

Section 18. The Chairman of the Board of County Commissioners shall make a personal inspection of any and all roads under construction or repair in Madison County, necessary to keep him personally informed as to the character of work and condition of the road.

Section 19. Should any part or parts of this Act be declared unconstitutional, the other parts of the Act shall, nevertheless remain in full force and effect.

Section 20. All law, or parts of laws, local, general and special in conflict with this Act, be and the same are hereby repealed.

Dec. 3-10-17-24.

To Whom it May Concern:

This certifies that the attached Notice of a Bill to be Entitled An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, was published in The Huntsville Daily Times for four consecutive weeks, said notice appearing in the issues of said newspaper as of the dates Dec. 3, 10, 17 and 24, all in the year 1922.

J. E. Pierce,

Editor and General Manager.

Sworn to and subscribed before me this the 16th day of January, 1923.

Arvie Pierce,

(SEAL)

Notary Public.

Also:

By Mr. Oliver:

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary lines and to describe the area included in the City limits for school purposes and as a school district composed of the City of Talladega, Alabama.

With notice and proof thereto attached and herewith exhibited, as follows:

State of Alabama, }
Talladega County. }

Personally appeared before Emma Huey, a Notary Public in and for said State and County, John C. Williams, who being duly sworn according to law deposes and says that he is the publisher of the Our Mountain Home, a newspaper published in Talladega County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said paper for four consecutive weeks, to-wit; in the issues thereof dated as follows, to-wit: December 27, 1922, January 3, 1923, January 10, 1923, January 17, 1923.

John C. Williams.

Subscribed and sworn to before me this 17th day of January, 1923.

(SEAL) Emma Huey,
Notary Public.

NOTICE OF THE INTENTION TO BE INTRODUCED AND HAVE ENACTED A LOCAL LAW.

Notice as provided by the Constitution and laws of Alabama is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, and of the intention to apply for the enactment of said bill, such bill to be in substance as follows, to-wit:

A BILL TO BE ENTITLED AN ACT.

To alter and re-arrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes, and also to alter and re-arrange the boundary lines and to describe the area included in the City limits for school purposes and as a school district composed of the City of Talladega, Alabama.

Be it enacted by the Legislature:

Section 1. That the boundary lines of the City of Talladega, in the County of Talladega and State of Alabama, be altered and re-arranged so that the City of Talladega shall include in its corporate limits the territory described as follows, to-wit: The Southeast quarter of Section Twenty-two, the South half of Southwest quarter and the Northeast quarter of the Southwest quarter of Section Twenty-two, the Southwest quarter of Section Twenty-three and the South half of the Southeast quarter of Section Twenty-three, all of Section Twenty-six, all of Section Twenty-seven, the East half of Section Twenty-eight, the North half of Northwest quarter and North half of Northeast quarter of Section Thirty-four, the North half of Northwest quarter and Northwest quarter of Northeast quarter of Section Thirty-five, all that portion of Northeast quarter of Northeast quarter of Section Thirty-three lying East of the Talladega and Sylacauga Public Road; all in Township Eighteen South, Range Five East; such area to be the area of the City of Talladega, Alabama, for all purposes other than school purposes.

Section 2. That the boundary lines of the City of Talladega, in the County of Talladega, State of Alabama, be altered and re-arranged so that the City of Talladega shall include in its corporate limits for school purposes and as a school district, the territory described as follows, to-wit: The South half of Section Fourteen, South half of Section Fifteen, South half of Section Sixteen, East half of Section Twenty, all of Section

Twenty-one, all of Section Twenty-two, all of Section Twenty-three, all of Section Twenty-four, all of Section Twenty-five, all of Section Twenty-six, all of Section Twenty-seven, all of Section Twenty-eight, and the East half of Section Twenty-nine, all of Section Thirty-three, all of Section Thirty-four, all of Section Thirty-five, and all of Section Thirty-six; all in Township Eighteen South, Range Five East, Talladega County, Alabama. The area described in this paragraph of this act shall be known and considered as the school district of the City of Talladega, and shall be subject to all the laws of Alabama applicable to the school district included in a city of over two thousand inhabitants.

Section 3. This said act shall take effect immediately upon its passage and approval.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriation Standing Committees as follows:

Local Legislation: S. 38 and S. 42.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dickinson (with notice and proof):

H. 99. To amend an act entitled an act "To provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation;" to abolish the office of deputy solicitor for Autauga County; to prohibit the circuit solicitor from appointing a deputy solicitor, or assistant solicitor, for the County of Autauga; and to provide for the discharge of the duties heretofore devolving upon the deputy solicitor, or assistant solicitor for said county; and to prohibit the payment of any compensation to such deputy solicitor.

Revision of Laws.

Notice and proof H. 99:

AN ACT

To amend an Act entitled an Act "To provide for the election of a solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensation," to abolish the office of deputy solicitor for Autauga county; to prohibit the circuit solicitor from appointing a deputy solicitor or assistant solicitor for the County of Autauga; and to provide for the discharge of the duties heretofore devolving

upon the deputy solicitor or assistant solicitor for said county; and to prohibit the payment of any compensation to such deputy solicitor.

Be it enacted by the Legislature of Alabama:

1. That on and after the passage and approval of this Act the office of deputy solicitor, or assistant solicitor for Autauga County be and the same is hereby abolished.

2. That the Act of the Legislature of 1915 approved September 15, 1915 (General Acts 1915, pp. 817-23) be and the same is hereby amended insofar as it applies to the County of Autauga as to the appointment of a deputy solicitor, or assistant solicitor for said county.

3. That no circuit solicitor of any circuit of which Autauga County is a part has authority to appoint a deputy solicitor or assistant solicitor for said county.

4. That on and after the passage of this Act, no compensation, salary, or other remuneration shall be paid out of the County Treasury or otherwise by Autauga County to any person holding by appointment or otherwise the office of deputy solicitor, or assistant solicitor, for said county.

5. That all laws, general, special or otherwise, in conflict with this Act be and the same are hereby expressly repealed so far as Autauga County is concerned.

6. That this Act shall go into effect immediately upon its passage and approval.

State of Alabama, }
Autauga County. }

Before me, Chas. Booth, a Notary Public in and for said State and County, personally appeared H. S. Doster, who being by me first duly sworn, deposes and says as follows:

That he is the Editor of the Prattville Progress, a newspaper published at Prattville, in said County and State, and that the attached copy hereto has appeared for four consecutive weeks in said paper.

H. S. Doster.

Sworn to and subscribed before me this 20th day of January, 1923.

Chas. Booth,
Notary Public.

By Mr. Long:

H. 100. To prohibit any public officer of this State from receiving any salary, allowances, fees or compensation other than, over and above that prescribed by law as the salary of the chief office to which such officer may have been or may hereafter be elected or appointed; to prevent the increase in compensation of such officer during their terms of office; and to provide a penalty for the violation of this act.

Claims and Fees.

By Mr. St. John:

H. 101. To amend an act entitled an act "to designate the persons who are authorized to purchase, have shipped from outside the State, receive, accept delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State," approved September 30, 1919.

Temperance.

By Mr. Parker:

H. 102. To amend Sections 1, 4 and 7 of "An Act to regulate elections; to provide for the registration of electors and the

preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Privileges and Elections.

By Mr. Parker:

H. 103. To further provide for absent qualified electors of the State of Alabama to vote in any primary election while absent from the State or county in which he is a qualified elector, and to further provide for the method of such absent qualified elector voting.

Privileges and Elections.

By Mr. Henley:

H. 104. To require instruction in the public schools in this State in regards to the humane protection of animals.

Education.

By Mr. Henley:

H. 105. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

Commerce and Common Carriers.

By Mr. Williams (With notice and proof):

H. 106. To provide for the election of a County Superintendent of Education for Franklin County, Alabama, his term of office, and to provide for the appointment of a County Superintendent of Education of said county to serve from the time of the approval of this bill until his successor is elected and qualifies.

Education.

With notice and proof H. 106.

EXHIBIT "A"—LEGAL NOTICE.

Russellville, Ala., December 18th, 1922.

The following local bill will be introduced and passed, if possible, at the next coming session of the Legislature of Alabama.

Travis Williams,

Member House of Representatives from Franklin County.

AN ACT

To provide for the election of a County Superintendent of Education for Franklin County, his term of office, and to provide for the appointment of a County Superintendent of Education of said county to serve from time of the approval of this bill until his successor is elected and qualifies. Be it enacted by the Legislature of Alabama:

Sec. 1. That the County Superintendent of Education of Franklin County, Alabama, shall be elected by the qualified voters of Franklin County, Alabama, in the same way and manner as other public officers are elected by the qualified electors of the county.

Sec. 2. That the County Superintendent of Education of Franklin County, Alabama, shall be elected at the same time the Tax Collector and Tax Assessor are elected in Franklin County, Alabama, and his term of

office shall begin soon thereafter, as he qualifies and shall continue for four years thereafter or until his successor is elected and qualifies. Each four years and at each time when the Tax Assessor and Tax Collector are elected in said county there shall be a County Superintendent of Education elected.

Sec. 3. The compensation, powers, duties and scope of service of the County Superintendent of Education of Franklin County shall be as is now provided by law, or as hereafter provided by law.

Sec. 4. That immediately after the passage and approval of this act, the Governor of Alabama shall appoint a County Superintendent of Education for Franklin County, Alabama, who shall serve until his successor is elected and qualified under the provisions of this act.

Sec. 5. Qualifications of the County Superintendent of Education, the election of which is provided for herein shall be as now fixed by the general law of Alabama or which may hereafter be provided for or fixed by the law of Alabama.

State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, a Notary Public, in and for said State and county, came L. L. Jackson who, being duly sworn, states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin, and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked Exhibit "A" and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this, the 19th day of January, 1923.

B. H. Sargent,
Notary Public.

By Mr. Williams (With notice and proof) :

H. 107. To repeal an Act entitled "To provide for the construction, care, maintenance, and improvement of the public roads of Franklin County; to provide funds, regulations, penalties and officers to ensure such construction, care, maintenance, and improvement, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the Court of County Revenue shall have full powers over the road system; to provide beat supervisors, section overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law." Approved September 30, 1919.

Public Roads and Highways.

Notice and proof H. 107.

EXHIBIT "A"—AN ACT.

To repeal an Act entitled: To provide for the construction, care, maintenance and improvement of the public roads of Franklin County;

to provide funds, regulations, penalties and offices to ensure such construction, care, maintenances and improvements, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers, to prescribe in general the records to be kept by said superintendent; to provide that the Court of County Revenue shall have full powers over the road system; to provide beat supervisors, section overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law. Approved September 30, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled: "To provide for the construction, care, maintenance and improvement of the public roads of Franklin County, to provide funds, regulations, penalties and officers to ensure such constructions, care, maintenance, and improvement; to provide a county superintendent of roads, prescribe his qualifications, methods of sections, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the Court of County Revenue shall have full powers over the road system; to provide beat supervisors, section overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road laws." Approved September 30, 1919; be and the same is hereby repealed.

Sec. 2. That all laws and parts of laws in conflict herewith, be and the same is hereby repealed.

State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, a Notary Public, in and for said State and county, came L. L. Jackson who, being duly sworn, states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin, and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked Exhibit "A" and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this, the 19th day of January, 1923.

B. H. Sargent,
Notary Public.

By Mr. Williams (with notice and proof):

H. 108. To repeal an Act entitled "An Act to regulate the fees of the Judge of the County Court of Franklin County, Alabama." Approved February 21, 1893.

Judiciary.

Notice and proof H. 108:

EXHIBIT "A."

An act to repeal an act entitled: "An act to regulate the fees of the Judge of the County Court of Franklin County, Alabama." Approved February 21, 1893.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled: "An act to regulate the fees of the judge of the County Court of Franklin county, Alabama; approved February 21, 1893, be and the same is hereby repealed.

Section 2. That all laws and parts and the same is hereby repealed of laws in conflict herewith be and the same is hereby repealed.

State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, a Notary Public in and for said State and county, came L. L. Jackson, who being duly sworn, states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked Exhibit A and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this the 19th day of January, 1923.

B. H. Sargent,
Notary Public.

By Mr. Williams (with notice and proof):

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

Judiciary.

With notice and proof H. 109:

EXHIBIT "A".

An Act to repeal an act entitled: "An Act to regulate the issue of Garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County. Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to regulate the issue of Garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of Garnishment in the Counties of Colbert and Franklin"; approved February 21, 1893, be and the same is hereby repealed in so far as the same relates to or affects Franklin County.

Sec. 2. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

State of Alabama,
Franklin County. }

Before me, B. H. Sargent, a Notary Public in and for said State and county came L. L. Jackson who being duly sworn states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923 and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked exhibit A and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this the 19 day of January, 1923.

B. H. Sargent,
Notary Public.

By Mr. Gaines:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

Ways, Means and Appropriations.

By Mr. Gaines:

H. 111. To regulate the sale of watermelons in this State; to require watermelons to be sold in this State in carload lots to be weighed and counted and statement thereof in writing to be executed; and to provide certain exceptions from the application of the law and to provide punishment for failure to comply with the Act and for false statements made.

Agriculture.

By Mr. Thompson of Jackson (By request):

H. 112. To provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations.

Revision of Laws.

By Mr. Howze (By request):

H. 113. To fix the compensation of Circuit Clerks of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Claims and Fees.

By Mr. Howze:

H. 114. To amend Sections One, Two, Three, Four (as amended Acts 1920, Page 23), Five, Six (as amended Acts 1920, Page 23), Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen,

Fourteen, Fifteen, Sixteen, Seventeen (as amended Acts 1920, Page 23), Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Twenty-nine, of an Act entitled an act relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as One Hundred and Fifty Thousand people according to the last Federal census, or which shall have such population according to any census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties, juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; and to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers or their work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards to provide for the appointment of the judge and other officers

of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act. Approved February 19th, 1919; and to further amend said act as a whole by adding thereto Sections Two (a) 2a, Five (a) 5a, Five (b) 5b, Five (c) 5c, Five (d) 5d, Five (e) 5e, Five (f) 5f, Five (g) 5g, Five (h) 5h, Five (i) 5i, Five (j) 5j, Five (k) 5k.

Judiciary.

By Mr. Howze:

H. 115. Relating to desertion or non-support of wives by husbands and of a child, or children, by parents in all counties of this State which now have a population of two hundred thousand, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter; to make it a misdemeanor for a husband to desert or neglect or fail to provide for the support of his wife, or for a parent to desert or neglect or fail to provide for the support of his or her child, or children, under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of such persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; to fix the time when this act shall go into effect.

Judiciary.

By Mr. Smith of Jefferson (By request):

H. 116. To amend Section 3482 of the Code of 1907 of Alabama.

Revision of Laws.

By Mr. Jeter:

H. 117. To amend Section Six Thousand Nine Hundred and One (6901), Chapter 219, of the Criminal Code of Alabama,

1907, and providing an informer's fee where convictions are obtained by information so obtained.

Game, Fish and Forestry Preservation.

By Mr. Jeter:

H. 118. To amend Section Six Thousand Eight Hundred and Ninety-nine (6899), Chapter 219, of the Criminal Code of Alabama, 1907; and providing additional penalties therefor, and providing an informer's fee to be paid out of the fines assessed and collected.

Game, Fish and Forestry Preservation.

By Mr. Jeter:

H. 119. To amend Section Six Thousand Nine Hundred and Two (6902), Chapter 219, of the Criminal Code of Alabama, 1907.

Game, Fish and Forestry Preservation.

By Mr. Jeter (By request):

H. 120. To fix and regulate the compensation of the registers of the Circuit Court in counties in this State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Judiciary.

By Mr. Fite:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of One Hundred Thousand or more, according to the last or any succeeding Federal Census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Judiciary.

By Mr. Fite (By request):

H. 122. To regulate the filing of demurrers in actions at law, equity or probate in all courts of the State of Alabama.

Judiciary.

By Mr. Fite (By request):

H. 123. To amend Section 7616 of the Code of Alabama of 1907.

Judiciary.

By Mr. Fite (By request):

H. 124. To amend Section 5484 of the Code of Alabama.

Commerce and Common Carriers.

By Mr. Fite (By request, with notice and proof):

H. 125. To amend an Act entitled "An act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court: the terms and salary of said Judge and officers of said

court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

NOTICE.

Notice is hereby given that at the next regular session of the Legislature of the State of Alabama, which convenes January, 1923, the following Bill will be introduced for enactment:

AN ACT.

To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court, a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for an increase of the salary of the judge and other officers and employees of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Be it enacted by the Legislature of Alabama; That Section four (4) of the said Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, clerk and other officers, thereof; to provide for a place for holding said court, the terms and salaries of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries, Approved September 10th, 1919, read as follows:

Section four (4) of said Act is amended to read as follows:

Section 4. That the judge of said court, except as herein otherwise provided, after the term of the ex-officio judge has ended, shall receive a salary of Five Thousand (\$5,000.00) dollars per annum, payable in equal monthly installments of Four Hundred Sixteen Dollars and Sixty-five cents, (\$416.65) out of the treasury of Jefferson County, Alabama, on his warrants drawn on the County treasurer.

That Section seven (7) of said Act is amended to read as follows:

Section 7. That it shall be the duty of the Board of Revenue of Jefferson County, Alabama, to provide a proper place at the Court House of Jefferson County, in Birmingham, for holding said court, and to provide for the comforts and necessary blanks, stationery, dockets, books, seals and other appurtenances, and shall also furnish upon the order of the judge of said court, an automobile and other conveyances for the use of the executive officers of said court.

That Section ten (10) of said Act is amended to read as follows:

Section 10. That there shall be appointed by the judge of said court a Chief Clerk, a First Assistant Clerk and two Deputy Clerks, who shall hold office at the will of the judge of said court. The Chief Clerk shall receive as compensation for his services the sum of twenty-four hundred (\$2400.00) dollars per annum, payable in equal monthly installments of two hundred (\$200.00) dollars per month, out of the County Treasury of Jefferson County upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that said chief clerk has performed the duties for the month.

The First Assistant Clerk shall receive as compensation for his services the sum of Eighteen Hundred (\$1800.00) dollars per annum, payable in equal monthly installments out of the treasury of Jefferson County upon warrants drawn upon the county treasurer by the judge of said court, showing that first assistant clerk has performed the duties for the month, and each of said deputy clerks shall receive a salary of twelve hundred (\$1200.00) dollars per annum, payable in equal monthly installments of one hundred (\$100.00) dollars out of the county treasury of Jefferson County, upon warrants drawn upon the County Treasurer by the judge of said court, showing that the said deputy clerks have performed their duties for the month. The first assistant and the deputy clerks shall act under the authority of the Chief Clerk and shall perform any duties delegated to him or her by such Chief Clerk, for and in the name of the Chief Clerk. The Judge of said court may designate in writing by a general order, which shall continue until revoked by a formal order made on the dockets of the court, the Chief Clerk or the First Assistant Clerk, or any of the deputy clerks as ex-officio Judge of said Jefferson County Court of Misdemeanors, and said ex-officio Judge of said court so designated shall have the power and authority to take affidavits, and to issue all warrants of arrest that the judge of said court could issue, returnable to the said Jefferson County Court of Misdemeanors.

That Section fifteen (15) of said Act is amended to read as follows:

Section 15. That all processes of whatever nature or kind issued out of said court shall be addressed to the Sheriff of Jefferson County, Alabama, or to the special deputy or deputies appointed for said court and said processes so issued shall either be executed by the Sheriff or his deputies, or by the special deputies appointed for the Jefferson County Court of Misdemeanors, and the judge of said court shall determine in any case, to whom said process shall be placed for execution. That it shall be the duty of said sheriff, and he shall be required in person or by deputy, to attend on said court at all times when the same is in session, to preserve order and to execute and return its processes and to perform in said court all other duties that may be required of the sheriff in any court of record.

That section sixteen (16) of said Act is amended to read as follows:

Section 16. The judge of said court may appoint a bailiff, who shall receive a salary of fifteen hundred (\$1500.00) dollars per annum, payable in equal monthly installments out of the county treasury, upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that he has performed the duties entitling him to such. Such bailiff may be removed from office at any time by the judge of said court, at the will of said judge.

That Section seventeen (17) of said Act is amended to read as follows:

Section 17. That the judge of said court shall have the power and the authority to appoint not more than four (4) executive officers, who shall hold office during the pleasure of the judge, and whose duties it shall be to execute all processes of said court entrusted to them, to make such investigations of crime as shall be required of them by the judge of said court, and shall perform any other duties that may be necessary to detect and prosecute crime in Jefferson County. That said executive officers shall be designated and known as marshals of the Jefferson County Court of Misdemeanors, and each shall receive an annual salary of fifteen hundred (\$1500.00) dollars, to be paid out of the county treasury of Jefferson County, Alabama, in equal monthly installments, upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that such officers have performed the duties entitling them to such payments.

That Section eighteen (18) of said Act is amended to read as follows:

Section 18. That the solicitor of Jefferson County, Alabama, be and he is hereby authorized to appoint a deputy solicitor for said court, whose

duty it shall be to attend all sessions of said court, and prosecute all misdemeanors, and all felonies to be heard on preliminary trial. That there shall be taxed as a part of the costs in each misdemeanor case prosecuted by the deputy solicitor the sum of five dollars as solicitor's fee, and in all felony cases, prosecuted by said deputy solicitor there shall be taxed the sum of ten dollars as solicitor's fee, which solicitor's fees shall be collected by the clerk of said court, or by the clerk of the Circuit Court of Jefferson County, when the case is not finally determined in the Jefferson County Court of Misdemeanors, and shall be paid into the treasury of said county.

State of Alabama, }
Jefferson County. }

Personally appeared before me, J. C. Williams, a Notary Public in and for said County in said State, A. H. Cather, who being by me first duly sworn, deposes and says that he is the Editor and Manager of the Southern Labor Review, a newspaper of general circulation published in Jefferson County, Alabama, and has been such for more than a year prior hereto: that the notice and proposed law entitled "An Act to amend an Act entitled An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court, a judge a clerk and other officers thereof; to provide a place for holding said court; the term and salary of said judge and officers of said court; the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employes of said court, their appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties, a copy of which said notice and proposed law is hereto attached, was published, free of all cost to the State of Alabama, once a week for four consecutive weeks in the said Southern Labor Review in Jefferson County, Alabama, on the following dates, December 13th, 20th and 27th, 1922, and January 3rd, 1923, and that a copy of the notice of the intention to apply to the Legislature of Alabama, which convenes in session in January, 1923, and a copy of the said proposed law referred to in said notice, as the same were published on said dates in said newspaper are hereto attached and made a part hereof.

A. H. Cather,

Editor and Publisher of Southern Labor Review.

Subscribed and sworn to before me this the 11th day of January, 1923.

J. C. Williams,
Notary Public.

(SEAL)

By Mr. Fite (By request):

H. 126. To fix the compensation or salary to be paid the Judge of Probate of Jefferson County, Alabama, and to provide for paying same.

Claims and Fees.

By Mr. Rives:

H. 127. To make it unlawful for any one to move or disturb the body of a person, or his personal effects whose death is due to violence, before an inquest by the coronor, or except on his order, or the order of his assistant, or the order of the sheriff, or order of the solicitor, or order of a Circuit Judge; to make it the duty of the sheriff to execute any and all processes directed

to him by the coroner, in the discharge of his official duties; to empower the coroner to perform autopsies upon the bodies of persons who have died by violence, when necessary to ascertain the cause of death, or to obtain evidence which he reasonably believes will become admissible as against any person inflicting the wound or wounds which caused the death of said person; to authorize any person to pick up and secure the body of any deceased person found in the waters or streams of the counties embraced in this act, and to further provide for the compensation of such persons for so doing; and to provide that this Act shall apply to all counties in the State of Alabama having more than two hundred thousand population according to the last or any succeeding Federal Census; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

By Mr. Byars:

H. 128. To further regulate the license or privilege tax required for the manufacture and sale of coffins.

Ways, Means and Appropriations.

By Mr. Byars:

H. 129. To provide for the election of a County Superintendent of Education by the qualified electors of each county of the State of Alabama, to prescribe his qualification and fix his term of office.

Education.

By Mr. Hampton:

H. 130. To repeal Section 26 of an act entitled an act to regulate primary elections in the State of Alabama.

Privileges and Elections.

By Mr. Letson:

H. 131. To regulate the accounting for and distribution of funds derived from the levy of the three mill special school district tax.

Education.

By Mr. Cunningham:

H. 132. To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order in payment of any obligation or debt, with intent to defraud; to fix the punishment for the violation thereof; and to prescribe a rule of evidence in prosecutions thereunder.

Revision of Laws.

By Mr. Grove:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate

of interest, in lieu of the warrants, the time of payments of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Revision of Laws.

By Mr. Grove:

H. 134. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream, or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

Commerce and Common Carriers.

By Mr. Grove:

H. 135. To prescribe and fix the amount of pension to be paid to all soldiers and sailors in the military or naval service of this State or the Confederate States, in the war between the States, 1861-1865, who are now, or who shall hereafter become entitled under any law of this State, to pension; and to prescribe and fix the amount of pension to be paid to the widows of all such soldiers and sailors; and to abolish all classification of such widows as now provided by law, and to require such pensions to be paid in quarterly installments, on the first day of January, April, July and October of each year; and to repeal all laws in conflict with this Act.

Pensions and Soldiers' Homes.

By Mr. Goodwyn:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1,354.78 for services rendered by him as Rate Clerk for the Alabama Public Service Commission.

Commerce and Common Carriers.

By Mr. Goodwyn:

H. 137. To regulate the practice of architects, civil engineers, chemical engineers, electrical engineers, mechanical engineers, mining engineers, metallurgical engineers, naval architects, marine engineers, and land surveyors; to create a State Board of Registration with general control and supervision of such regulations; to provide fees and expenses for such Board and to fix penalties for any violation of this Act.

Mining and Manufacturing.

By Mr. Ware:

H. 138. To authorize the courts of county commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts, where said districts have been heretofore established by vote of the people and the records

thereof have been destroyed by fire and to provide the mode of proving the same.

Agriculture.

By Mr. Ware:

H. 139. To require the Judges of the Supreme Court to give their opinion upon the legality of amendments to the Constitution before the same are submitted to a vote of the people.

Judiciary.

By Mr. Fanning:

H. 140. To amend Section 3793 of the Code of Alabama of 1907, and to amend an act of the Legislature of Alabama approved September 30th, 1919, entitled an act to amend an act of the Legislature of Alabama, entitled an act to amend Section 3795 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Powell:

H. 141. To further provide for the revenue of the State; to require persons or companies providing and selling hydro-electric power to pay a license or privilege tax; to provide for the collection of such license or privilege tax and penalties for violation of the act.

Ways, Means and Appropriations.

By Mr. Powell (By request):

H. 142. To regulate the feeding of prisoners in county jails.

Claims and Fees.

By Mr. Powell:

H. 143. To provide for the relief of Rad Poe and to make an appropriation therefor.

Ways, Means and Appropriations.

By Mr. Powell:

H. 144. To require a privilege tax or license for engaging in selling water or operating water works and to provide for collections of the same and penalties for failure to pay the same.

Ways, Means and Appropriations.

By Mr. Powell:

H. 145. To require foreign corporations doing business in Alabama to make a deposit upon the removal of suits pending in the State court to a Federal court for the purpose of defraying expenses of witnesses upon the trial of such action in the Federal court and to prescribe penalties for a failure to do so.

Revision of Laws.

By Mr. Powell:

H. 146. To further provide for the revenue of the State; to require a license or privilege tax for the sale of soft drinks, to provide for the collection of such tax and for the penalties and forfeitures for violating this act.

Ways, Means and Appropriations.

By Mr. Powell:

H. 147. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Education.

By Mr. Henson (With notice and proof) :

H. 148. For the relief of W. H. Harris, Clerk of the Circuit Court of Washington County and to authorize the custodian of the county funds to pay Mr. Harris the sum of \$223.45 out of the fine and forfeiture funds of Washington County for fees due him.

Claims and Fees.

Notice and proof H. 148.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama for the relief of W. H. Harris, Clerk of Circuit Court of Washington County, Alabama. Providing for the collection by him of fees to be collected out of the fine and forfeiture funds of Washington County, Alabama, and authorizing the County Custodian of Washington County, Alabama, to pay such fees.

State of Alabama, }
Washington County. }

I, Joe M. Pelham, Jr., Editor of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the notice for relief of W. H. Harris as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 7th, 1921, and ending with the issue dated December 28th, 1921. I further certify that I have the right and authority to make this affidavit.

Joe M. Pelham, Jr.

Sworn to and subscribed before me on this, the 19th day of January, 1922.

F. C. Turner,

(Seal) Judge of Probate, Washington County, Alabama.

By Mr. Henson (with notice and proof) :

H. 149. Empowering the clerk of the circuit court of the county of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the judge of the county court.

Revision of Laws.

Notice and proof H. 149:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama to authorize the clerk of the circuit court of Washington county, Alabama, to take affidavits for the arrest of parties against whom charges for the commission of misdemeanors and felonies in said county are desired to be issued, and to issue warrants for the

arrest of such parties, making such warrants returnable before the judge of county court and probate judge.

State of Alabama }
Washington County. }

I, Joe M. Pelham, Jr., editor of the Washington County News, a newspaper published at Chatom, Washington county, Alabama, do hereby certify that a copy of the notice to authorize circuit clerk of Washington county, Ala., as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 7th, 1921, and ending with the issue dated December 28, 1921. I further certify that I have the right and authority to make this affidavit.

Joe M. Pelham, Jr.

Sworn to and subscribed before me on this the 19th day of January, 1923.

(Seal)

F. C. Turner,

Judge of Probate, Washington County, Alabama.

By Mr. Smith of Jefferson County:

H. 150. To regulate the office of sheriff in counties of 200,-000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Claims and Fees.

REPORTS OF STANDING COMMITTEES.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 87 (With substitute). To further regulate the general revenue of the State.

The above and foregoing bill was read a second time and placed upon the Calendar.

MOTION TO RECONSIDER VOTE.

Mr. Sollie moved to reconsider the vote by which the Bill H. 5 was ordered to a third reading and passage on the Sixth Legislative Day.

On motion of Mr. Long the motion of Mr. Sollie to reconsider the vote on the passage of the Bill H. 5, was laid upon the table.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

House of Representatives,
Montgomery, Ala.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that it has examined the following House bill:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

Also:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

And find same correct.

Lee Glenn,

Chairman on Engrossed Bills.

The report of the Committee was concurred in and adopted.

BILLS ON THIRD READING.

H. 3. To allow to convicts sentenced to the penitentiary such time as was spent in jail, after sentence and pending final adjudication of appeals as a part of their sentences, provided that in such cases no release from jail was provided for or permitted by appeal bond or otherwise.

Was read a third time at length and lost.

Yeas, 18; nays, 70.

Yeas:

Messrs:

Ashcraft (Fayette) Guy

Cunningham

Ferrell

Goodwyn

Grove

Henley

Henson

Kilpatrick

Lee

LeMaistre

Long

Moorer

Norman

Pickens

Russell

Sanders (Conecuh)

Sessions

Nays:

Messrs:

Adams	Fanning	Luck	Sollie
Adcock	Fite	McGowen	Stewart (Bibb)
Ashcraft (Lauderd ¹)	Forman	Melton	Stewart (Calhoun)
Bealle	Gaines	Moxley	Thompson (Etowah)
Blackwell	Glass	Odom	Thompson (Jackson)
Bowen, Lewis	Glover	Patterson	Tiller
Bowen, L. K.	Goode	Posey	Tunstall
Burns	Graves	Powell	Varnier
Burton	Hall	Ringer	Verner
Byars	Hampton	Rives	Walker
Calloway	Hawkins	Rountree	Wall
Coleman	Hornsby	St. John	Walton
Cook	Howard	Sanders (Pike)	Ware
Culver	Howze	Smith (Clay)	Mrs. Wilkins
Deloney	Jeter	Smith (Jefferson)	Williams
Dickinson	Jones	Smith (Lee)	Wyatt
Dowdle	Letson	Snodgrass	Young
Dunwoody	Love		

—70

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Adams	Ferrell	Jeter	Rives
Adcock	Fite	Jones	Rountree
Arrington	Forman	Lee	Russell
Bealle	Gaines	Letson	St. John
Blackwell	Glass	Long	Sessions
Bowen, L. K.	Glenn	Love	Sollie
Burns	Glover	Luck	Tiller
Burton	Goode	Melton	Tunstall
Byars	Grove	Moorer	Varnier
Cook	Guy	Norman	Walker
Culver	Hall	Odom	Wall
Deloney	Hatter	Parker	Ware
Dickinson	Henley	Pickens	Mrs. Wilkins
Dowdle	Henson	Posey	Wyatt
Elliott	Howard	Powell	Young
Fanning	Howze	Ringer	

—63

H. 10. To validate the levy of a five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Adams	Gaines	Letson	St. John
Adcock	Glass	Long	Sessions
Bealle	Glenn	Love	Smith (Clay)
Bowen, Lewis	Glover	Luck	Smith (Jefferson)
Bowen, L. K.	Goode	Moorer	Smith (Lee)
Burns	Goodwyn	Moxley	Stewart (Bibb)
Byars	Grove	Norman	Stewart (Calhoun)
Calloway	Guy	Odom	Tunstall
Coleman	Hall	Parker	Varner
Cook	Hatter	Patterson	Walker
Cunningham	Henley	Pickens	Wall
Deloney	Henson	Posey	Walton
Dowdle	Howze	Powell	Ware
Fanning	Kilpatrick	Ringer	Mrs. Wilkins
Ferrell	Lee	Rives	Young.
Fite	LeMaistre	Rountree	

—63

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved September 14, 1915.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Adams	Fite	Jones	Powell
Adcock	Glass	Kilpatrick	Ringer
Bealle	Glenn	Lee	Rives
Bowen, L. K.	Glover	Letson	Russell
Burns	Goode	Long	St. John
Burton	Graves	Love	Sessions
Byars	Grove	Luck	Smith (Clay)
Calloway	Guy	Melton	Snodgrass
Cook	Hall	Moorer	Sollie
Culver	Hatter	Moxley	Tiller
Cunningham	Henley	Nichols	Tunstall
Deloney	Henson	Odom	Varner
Dowdle	Hornsby	Parker	Verner
Elliott	Howard	Patterson	Walker
Fanning	Howze	Pickens	Wall
Ferrell	Jeter	Posey	

—63

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, Sumter County, Alabama, in lieu of all Justices of the Peace therein, including the Notary Public, ex-officio Justice of the Peace therein, to be called the Inferior Court of York.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Adams	Gaines	Lee	Russell
Adcock	Glass	LeMaistre	Rutherford
Ashcraft (Fayette)	Glenn	Letson	Sanders (Conecuh)
Ashcraft (Lauderd'l)	Glover	Love	Sanders (Pike)
Burns	Goode	Luck	Smith (Clay)
Burton	Graves	Melton	Smith (Jefferson)
Byars	Grove	Moorer	Smith (Lee)
Calloway	Guy	Moxley	Snodgrass
Coleman	Hall	Nichols	Tunstall
Cook	Hatter	Norman	Varner
Culver	Hornsby	Parker	Verner
Cunningham	Howard	Patterson	Wall
Dowdle	Howze	Pickens	Walton
Fanning	Jeter	Powell	Ware
Ferrell	Jones	Rives	Wyatt
Forman	Kilpatrick	Rountree	

—63

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and Second street, now known as 70th Street; that part of First street, now known as 69th street, which lies between Underwood avenue and Walker avenue; the alley which lies between Underwood avenue and Walker avenue; from its intersection with "A" or 68th street, and Second, or 70th street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake: and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Adams	Glass	Love	Snodgrass
Adcock	Glenn	McGowen	Sollie
Arrington	Goode	Melton	Stewart (Bibb)
Ashcraft (Fayette)	Goodwyn	Moorer	Thompson (Jackson)
Bealle	Graves	Moxley	Tiller
Bowen, Lewis	Grove	Norman	Tunstall
Bowen, L. K.	Hall	Odom	Varner
Burns	Hatter	Parker	Verner
Burton	Hawkins	Posey	Walker
Byars	Henson	Powell	Wall
Coleman	Jeter	Rives	Walton
Cook	Jones	Rountree	Ware
Culver	Kilpatrick	Russell	Mrs. Wilkins
Fite	Lee	Sanders (Pike)	Williams
Forman	LeMaistre	Smith (Jefferson)	Wyatt
Gaines	Long	Smith (Lee)	

—63

H. 82 (with substitute). To make an appropriation for tick eradication.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Agriculture, said substitute being as follows:

Substitute for House Bill No. 82, by Committee on Agriculture:

A BILL.

To be entitled an Act to make an appropriation for tick eradication.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated from monies in the State Treasury, not otherwise appropriated, twenty thousand dollars (\$20,000.00) to be available from the first day of April, 1923, to the first day of October, 1923. Said appropriation to be used for the purpose of eradicating cattle ticks and guarding State boundary lines by the State Live Stock Sanitary Board according to the law of the State and the rules and regulations of the Live Stock Sanitary Board providing for tick eradication.

And the substitute was adopted.

Yeas, 65; nays, 19.

Yeas:

Messrs:

Adams	Fite	Kilpatrick	Smith (Jefferson)
Adecock	Forman	Lee	Smith (Lee)
Ashcraft (Fayette)	Glass	LeMaistre	Snodgrass
Ashcraft (Lauderdl)	Glenn	Letson	Sollie
Bealle	Glover	Long	Thompson (Etowah)
Bowen, Lewis	Goode	McGowen	Thompson (Jackson)
Burns	Goodwyn	Moorer	Tiller
Burton	Graves	Norman	Tunstall
Calloway	Grove	Odom	Varner
Christian	Hall	Parker	Verner
Cook	Hampton	Patterson	Walker
Culver	Hatter	Rives	Wall
Dickinson	Henley	Rountree	Walton
Dowdle	Hornsby	Russell	Mrs. Wilkins
Dunwoody	Howze	Sanders (Conecuh)	Williams
Fanning	Jones	Sanders (Pike)	Young
Ferrell			

—65

Nays:

Messrs:

Blackwell	Guy	Moxley	Stewart (Bibb)
Bowen, L. K.	Hawkins	Ringer	Stewart (Calhoun)
Byars	Henson	St. John	Ware
Cunningham	Jeter	Sessions	Wyatt
Deloney	Luck	Smith (Clay)	

—19

And the bill:

H. 82. To make an appropriation for tick eradication.

As amended by the substitute, was read a third time at length and passed.

Yeas, 60; nays, 21.

Yeas:

Messrs:

Adams	Fanning	LeMaistre	Sanders (Pike)
Adcock	Forman	Letson	Smith (Lee)
Ashcraft (Fayette)	Glover	Long	Snodgrass
Ashcraft (Lauderd ¹)	Goode	Love	Sollie
Bealle	Goodwyn	McGowen	Thompson (Etowah)
Bowen, Lewis	Graves	Melton	Thompson (Etowah)
Burns	Grove	Moorer	Tiller
Burton	Hampton	Norman	Tunstall
Calloway	Hatter	Odom	Varner
Cook	Henley	Parker	Verner
Culver	Hornsby	Patterson	Walker
Deloney	Howze	Posey	Wall
Dickinson	Jones	Powell	Walton
Dowdle	Kilpatrick	Rountree	Mrs. Wilkins
Dunwoody	Lee	Sanders (Conecuh)	Young

—60

Yeas:

Messrs:

Blackwell	Hawkins	Ringer	Smith (Jefferson)
Bowen, L. K.	Henson	Rives	Stewart (Bibb)
Byars	Jeter	St. John	Stewart (Calhoun)
Cunningham	Luck	Sessions	Ware
Fite	Moxley	Smith (Clay)	Wyatt
Guy			

—21

H. 83 (with substitute). To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Agriculture, said substitute being as follows:

Substitute for House Bill No. 83, by Committee on Agriculture:

A BILL.

To be entitled an Act to make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from monies in the State treasury, not otherwise appropriated, seven thousand

five hundred (\$7,500.00) dollars to be available from the first day of April, 1923, to the first day of October, 1923. Said appropriation shall be used for the purpose of controlling and eradicating tuberculosis, hog cholera, glanders, and all other infectious or contagious animal diseases and the material or things that may spread or carry the cause of such diseases of live stock. Said appropriation shall be used by the Live Stock Sanitary Board according to the laws and regulations providing for the control and eradication of infectious and contagious diseases of live stock and of the cause or causes of such diseases.

And the substitute was adopted.

Yeas, 75; nays, 5.

Yeas:

Messrs:

Adams	Fite	Lee	Sessions
Adcock	Forman	LeMaiztre	Smith (Jefferson)
Ashcraft (Fayette)	Glass	Letson	Smith (Lee)
Ashcraft (Lauderd'l)	Glenn	Love	Snodgrass
Bealle	Glover	Melton	Sollie
Bowen, Lewis	Goode	Moorer	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	Norman	Thompson (Etowah)
Burns	Graves	Odom	Thompson (Jackson)
Burton	Grove	Parker	Tiller
Byars	Hall	Patterson	Tunstall
Calloway	Hampton	Pickens	Varner
Cook	Hatter	Posey	Verner
Culver	Hawkins	Powell	Walker
Cunningham	Henley	Ringer	Wall
Deloney	Hornsby	Rives	Walton
Dickinson	Howze	Rountree	Mrs. Wilkins
Dowdle	Jeter	Russell	Williams
Dunwoody	Jones	St. John	Young
Fanning	Kilpatrick	Sanders (Pike)	

—75

Nays:

Messrs:

Blackwell	Henson	Moxley	Wyatt
Guy			

—5

And the bill:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

As amended by the substitute, was read a third time at length and passed.

Yeas, 70; nays, 8.

Yeas:

Messrs:

Adams	Ashcraft (Lauderd'l)	Burns	Cook
Adcock	Bealle	Byars	Culver
Ashcraft (Fayette)	Bowen, Lewis	Calloway	Cunningham

Deloney	Henley	Odom	Snodgrass
Dickinson	Hornsby	Parker	Sollie
Dowdle	Howze	Patterson	Stewart (Bibb)
Dunwoody	Jeter	Pickens	Stewart (Calhoun)
Fanning	Jones	Powell	Thompson (Jackson)
Fite	Kilpatrick	Ringer	Tiller
Forman	Lee	Rives	Tunstall
Glenn	LeMaistre	Rountree	Varner
Glover	Letson	Russell	Verner
Goode	Love	Sanders (Conecuh)	Walker
Goodwyn	Luck	Sessions	Wall
Graves	McGowen	Smith (Clay)	Walton
Grove	Melton	Smith (Jefferson)	Mrs. Wilkins
Hampton	Moorer	Smith (Lee)	Young
Hatter	Norman		

—70

*Nays:**Messrs:*

Blackwell	Burton	Hall	Moxley
Bowen, L. K.	Glass	Henson	Sanders (Pike)

—8

RECOMMITTAL OF BILL.

On motion of Mr. Walker:

H. 46 (with amendment). To amend sections 3613, 3615 and 3622 of the Code of 1907.

Was recommitted to the Standing Committee on Revision of Laws.

REPORT OF RULES COMMITTEE.

Mr. Goodwyn, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolution with a favorable report:

By Mr. Glenn:

H. J. R. 15. Resolved by the House, the Senate concurring, that, whereas, a vacancy has occurred in the office of **Secretary** of the Interior, under the National Government, and, whereas, the Honorable Alfred A. Taylor, Governor of the State of Tenn., whose term of office as such has just expired, has at all times manifested a keen interest in the development of our national resources and industries; and, whereas it is our judgment that, while Governor Taylor has been a life long republican, **he is a broad-minded American, with a national scope of vision, and that he would administer with credit and satisfaction to every section of our country the duties of the office:**

Therefore, be it resolved, that we respectfully commend to the President of the United States the Hon. Alfred A. Taylor for appointment to the office of Secretary of the Interior.

Be it further resolved that a copy of these resolutions be transmitted to the President of the United States.

The resolution was adopted.

By Mr. Hildreth:

S. J. R. 26. Whereas a vacancy now exists in the membership of the Supreme Court of the United States caused by the retirement of Justice Pitney; and whereas we regard Judge William I. Grubb, presiding over the Northern Federal Court, as one of the great outstanding figures of the Federal Judiciary, possessed of every qualification of mind and character requisite for the duties of the Supreme Bench;

Therefore, be it resolved, That the Senate of Alabama, the House concurring, does hereby earnestly urge the President of the United States to appoint Judge William I. Grubb to fill the said vacancy on the United States Supreme Court.

And the Secretary of State is hereby requested and directed to transmit forthwith a copy of this resolution to the President of the United States and to each member of the Alabama delegation in the Senate and House of Representatives of the United States.

And the resolution was adopted.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until 10 o'clock Thursday morning, January 25th.

EIGHTH DAY.

House of Representatives,
Thursday, January 25th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Speigle of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Bealle	Byars	Cunningham
Adams	Blackwell	Calloway	Deloney
Adcock	Bowen, Lewis	Cato	Dickinson
Allen	Bowen, L. K.	Christian	Dowdle
Arrington	Boykin	Coleman	Dunwoody
Ashcraft (Fayette)	Burns	Cook	Elliott
Ashcraft (Lauderd'l)	Burton	Culver	Embry

Fanning	Hodgson	Odom	Sollie
Ferrell	Hornsby	Parker	Stewart (Bibb)
Fite	Howard	Patterson	Stewart (Calhoun)
Forman	Howze	Pickens	Thompson (Etowah)
Gaines	Jeter	Posey	Thompson (Jackson)
Glass	Jones	Powell	Tiller
Glenn	Kilpatrick	Ringer	Tunstall
Glover	Lee	Rives	Tyson
Goode	LeMaistre	Rountree	Varnier
Goodwyn	Letson	Russell	Verner
Graves	Long	Rutherford	Walker
Grove	Love	St. John	Wall
Guy	Luck	Sanders (Conecuh)	Walton
Hall	McGowen	Sanders (Pike)	Ware
Hampton	Melton	Sessions	Mrs. Wilkins
Hatter	Moorer	Smith (Clay)	Williams
Hawkins	Moxley	Smith (Jefferson)	Wyatt
Henley	Nichols	Smith (Lee)	Young
Henson	Norman	Snodgrass	

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF THE COMMITTEE OF REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Seventh Legislative Day and finds same correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Seventh Day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Hubbard and Mooneyham for today.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that it has examined the following House bills:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

Also:

H. 10. To validate the levy of a five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Also:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street now known as 68th Street, and Second Street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake; and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Also:

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved September 14, 1915.

Also:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, Sumter County, Alabama, in lieu of all Justices of the Peace therein, including the Notary Public, ex-officio Justice of the Peace therein, to be called the Inferior Court of York.

And find same correct.

Lee Glenn,
Chairman on Engrossed Bills.

The report of the Committee was concurred in and adopted.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that it has examined the following House bill:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and con-

tagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

And find same correct.

Lee Glenn,

Chairman on Engrossed Bills.

The report of the Committee was concurred in and adopted.

RESOLUTIONS.

The following resolutions were introduced, read one time and referred to the Standing Committee on Rules:

By Mr. Rives:

H. J. R. 22. Whereas, it is alleged that the Governor's Mansion is greatly in need of repairs;

Be it resolved, That a committee consisting of two members appointed by the President of the Senate and three by the Speaker of the House be appointed to make inquiry and report at this session as to the condition of the Governor's Mansion and as to the necessary repairs.

By Mr. Goodwyn:

H. J. R. 23. Be it resolved by the House of Representatives, the Senate concurring, that the Committee on Education of the two Houses be, and they are hereby authorized and directed to visit the Alabama Polytechnic Institute, the Industrial School for Girls, and the University of Alabama, to make investigations as to the needs of those institutions and to report to the Legislature any information secured, and deemed desirable for the use of the Legislature.

Be it resolved further, that only actual expenses shall be allowed to such committees, in making the visits to said institutions.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

S. 49. To amend section 5439 of the Code of Alabama of 1907.

S. 46. To amend section 341 of the Code.

S. 35. To amend an act entitled "An act to amend sections 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one

time and referred to appropriate Standing Committees as follows:

Judiciary, S. 49.

Privileges and Elections, S. 46.

Municipal Organizations, S. 35.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 33. Relative to the commemoration on this, the 19th day of January, 1923, the birthday of General Robert Edward Lee.

J. E. Speight,
Secretary.

SIGNING RESOLUTION.

The Speaker of the House, in the presence of the House, signed the resolution, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 26. Relative to the appointment of Judge William I. Grubb to the membership of the Supreme Court of the United States.

S. J. R. 35. Relative to the abolition of the office of Tax Adjuster of the several counties in Alabama.

J. E. Speight,
Secretary.

SIGNING RESOLUTION.

The Speaker of the House, in the presence of the House, signed the resolutions, the titles to which are set out in the above and foregoing message from the Senate.

NOTICE GIVEN TO RECONSIDER.

Mr. Tiller gave notice that on the next Legislative Day he would move to reconsider the vote by which the Bill H. 82 was ordered to a third reading and passage.

INTRODUCTION OF BILLS.

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Long:

H. 151. To amend Section 2069 of the Code of Alabama of 1907.

Commerce and Common Carriers.

By Mr. Wyatt (with notice and proof):

H. 152. To create the office of County Treasurer of Chilton County, Alabama; to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama, by the qualified voters of said county.

Local Legislation.

With notice and proof H. 152.

NOTICE.

A bill will be introduced in the next session of the Legislature of Alabama providing for the election of the Treasurer of Chilton County, Alabama, by vote of the qualified electors of said county.

W. M. Wyatt,
Representative of Chilton County, Alabama.

Clanton, Ala., December 21, 1922.

The State of Alabama, }
Chilton County. }

Before me, the undersigned authority, personally appeared T. E. Wyatt, who being by me first duly sworn, deposes and says as follows:

1. That he is the Business Manager of The Union-Banner, a weekly newspaper published every Thursday at Clanton, and having a general circulation in said Chilton County, Alabama.

2. That the advertisement giving notice of a local bill for Chilton County to be introduced in the Legislature of Alabama, providing for the election of a Treasurer of Chilton County by the qualified voters of said County, a clipping of which advertisement is hereto attached, was published in said newspaper for four consecutive weeks, of dates, December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923.

T. E. Wyatt.

Sworn to and subscribed before me this, the 22nd day of January, 1923.

L. H. Reynolds,
Judge of Probate.

By Mr. Tyson:

H. 153. To provide that the net earnings of a person wrongfully convicted and sentenced to the penitentiary may be refunded and to prescribe the method of procedure to such refund.

Penitentiary and Criminal Administration.

By Mr. Smith of Clay:

H. 154. To provide for an occupation tax upon all distributors selling gasoline and other fuels in this State, requiring all distributors therein to register, and to make returns providing for the distribution of money from this tax to the different counties, providing also penalties for the violation of this act.

Ways, Means and Appropriations.

By Mr. Sollie (with notice and proof) :

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

Municipal Organizations.

With notice and proof H. 155 :

NOTICE.

A bill will be introduced in the Legislature when it convenes in January, 1923, for the relief of W. E. Gamble, Sheriff of Dale county, for the sum of four hundred and fifty-four dollars and five cents (\$454.05) said amount being for telephone and stamps and ex-officio fees as allowed by an act of the 1919 Legislature, said amount of stamps and telephone bill having been paid by him while serving as sheriff of Dale county, said amount to be paid out of the general funds of Dale County upon a warrant issued in favor of the said W. E. Gamble, by the Probate Judge of Dale County.

The State of Alabama, }
Dale County. }

Before me, Alma Holmes, a Notary Public with seal of office in and for said county, personally appeared J. Q. Adams, Editor of The Southern Star, a newspaper published weekly at Ozark, Dale County, Alabama, who being first duly sworn deposes and says that the attached typed notice was published in said paper for three consecutive weeks, beginning with its issue of the 20th day of December, 1922, and including its issues of December 27, 1922, and January 4, 1923.

J. Q. Adams.

Sworn to and subscribed before me this the 22nd day of January, 1923.

Alma Holmes,
Notary Public.

By Mr. Thompson of Etowah :

H. 156. To further regulate the issuance and sale of State bonds authorized by the Constitution for the purpose of constructing, improving, repairing and maintaining public roads, highways and bridges in Alabama.

Public Roads and Highways.

By Mr. Tiller :

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

Judiciary.

By Mr. Tiller :

H. 158. To fix the remuneration, salaries, fees and allowances of the Judges of the Probate Courts of the several coun-

ties of Alabama, whose population is less than sixty thousand; to provide for the collection and payment into county treasuries of fees, emoluments, costs and compensation of every kind, earned, collected or paid to such officials; to provide for salaries to be paid Judges of Probate and Clerks in their offices; and to provide a method of fixing the salaries and remuneration of such officials and clerks and of changing the same from time to time; to fix the time when this Act shall become effective and to provide for time when change of population shall cause change in mode of remuneration of Judges of Probate Courts; to require Judges of Probate Courts to keep fee books and to provide punishment for failure so to do; to provide for punishment for violation of provisions of this Act and to give counties rights of action against Probate Judges in certain cases.

Claims and Fees.

By Mr. Howze (By request):

H. 159. To amend Section 1628 of the Code of Alabama.
Public Health.

By Mr. Howze (By request):

H. 160. To amend Section 1627 of the Code of Alabama.
Public Health.

By Mr. Jeter (By request):

H. 161. To amend section 5 of an act entitled an act to provide for and require all county officers of all counties in Alabama now having or which may hereafter have, a population of as much as 150,000 people according to the last Federal census, or any other such census which may hereafter be taken, to install, equip, and maintain, in addition to their office at the county sites of such county, officers at each other place in such counties where a circuit court or court of like jurisdiction is now authorized by law to be held, or where such court may hereafter be authorized by law to be held, for the transaction of all business pertaining thereto, that may arise in or be connected with that part of such county within which the cases arising therein, may be tried in such circuit court or court of like jurisdiction at such place, to provide for the selection, qualification and compensation and fix the powers and duties of the deputies of the respective officers of such county to act for and assist such officers in the discharge of their duties in connection therewith, to fix the duties of the respective county officers of such counties with respect thereto; to provide equipment for such offices, including stationery, records, books, dockets, furniture, filing cases, and other equipment for such offices, similar to that kept in the respective offices of such counties at the county site; to prescribe the business of the respective offices and officers of such counties that shall be transacted at such places; to prescribe and regulate the instruments recorded therein, and to

otherwise provide for the installation, equipment and maintenance of such offices and officers at such places for the transaction of all business pertaining to such offices and officers that may arise within such territory of such counties. Approved September 16, 1915.

Local Legislation.

By Mr. Fite:

H. 162. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Local Legislation.

By Mr. Ashcraft of Lauderdale:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

Ways, Means and Appropriations.

By Mr. Ashcraft of Lauderdale:

H. 164. To provide for levying and collecting a tax upon all the natural resources severed from the soils and waters of this State as timber, turpentine, all minerals, including oil, gas, sulphur, salt, coal, iron ore, limestone, marble, graphite, sand, gravel, and all products of the waters as oysters and shrimp and all other natural products of the soils and waters of the State so severed, and to provide for the collection of such Severance Tax, to fix penalties for violation of this Act, or failure to comply with the provisions of it, and to provide for the appropriation and disbursing of the amounts accruing to the State from said Severance Tax to the public schools, including the normal schools and the three institutions of higher learning, the University of Alabama, the Alabama Polytechnic Institute and the Alabama Technical Institute and College for Women.

Ways, Means and Appropriations.

By Mr. Ashcraft of Lauderdale (By request):

H. 165. To provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama.

Ways, Means and Appropriations.

By Mr. Ashcraft of Lauderdale:

H. 166. To amend Sections 14, 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regula-

tion by said Commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Judiciary.

By Mr. Letson:

H. 167. A bill to be entitled an Act to amend Section 18, Article 5, of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections of the county tax of three mills or less on each dollar of taxable property under the Amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of County Superintendents of Education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance of-

ficers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistance; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the matter of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Insti-

tute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State Council of Education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind, to create a Board of Trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a Board of Directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Law Breakers; to provide for the management and control thereof, and for the appointment of a Board of Directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore."

Education.

By Mr. Cunningham:

H. 168. To amend Section 7881 of the Code of Alabama.
Revision of Laws.

By Mr. Cunningham:

H. 169. To amend Section 7883 of the Code of Alabama.
Revision of Laws.

By Mr. Grove:

H. 170. To amend Section 293 of an Act entitled an Act to provide for the General Revenue of the State of Alabama, approved September 15, 1919.

Ways, Means and Appropriations.

By Mr. Norman:

H. 171. To provide that in all counties of this State which have a population of as much as 65,000 and not more than 95,000 people, according to the last Federal decennial census, members of boards of revenue shall be elected by the qualified voters of the entire county, and not merely by the qualified voters of a particular revenue district.

Local Legislation.

By Mr. Forman:

H. 172. To require sheriffs and clerks of courts of record to pro-rate costs as collected in proportion, as each is entitled.

Claims and Fees.

By Mr. Patterson:

H. 173. To amend an Act, entitled "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Municipal Organizations.

By Mr. Patterson (with notice and proof, By request):

H. 174. To relieve the tax assessor of Morgan county from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Local Legislation.

Notice and proof H. 174:

NOTICE.

Notice is hereby given that the following will be offered for passage at the next session of the Legislature of the State of Alabama.

An act to relieve the tax assessor of Morgan county, from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists.

Be it enacted by the Legislature of Alabama:

Section 1. That the tax assessor of Morgan county, Alabama, shall not be required to prepare the book of assessments, but in lieu thereof shall be required to arrange in alphabetical order original assessments, and cause the same to be permanently bound, and such assessment lists when bound shall constitute the book of assessments to all intents and purposes. Such assessment lists when bound shall be preserved permanently as a matter of record, and provided that in making the collector's abstracts such abstracts shall be made direct from the assessment lists.

State of Alabama }
Morgan County. }

Before me, a notary public, in said county and State, personally appeared W. R. Shelton, who being by me sworn, deposes and says that he

is the editor and business manager of the Albany-Decatur Daily, a newspaper published in the city of Albany, Morgan county, Alabama, and that the above notice was duly published in said Albany-Decatur Daily on the following dates to-wit: December 22nd and 29th, 1922, January 6th and 13th, 1923.

Sworn to and subscribed before me on this 17th day of January, 1923.
(Seal.)
W. R. Shelton.
Robert T. Sheppard,
Notary Public.

By Mr. Luck:

H. 175. To amend Section 5 of an Act entitled, "To establish and provide for state-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals, approved February 7, 1919.

Agriculture.

By Mr. Goodwyn:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reports in certain cases, and to repeal all conflicting laws.

Local Legislation.

By Mr. Verner:

H. 177. To establish the State Board of Convict Supervisors in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of, the said Board of Convict Supervisors and its members, to fix the terms of their office, salaries, compensation and the mode of payment.

Judiciary.

By Mr. Goode:

H. 178. An Act to amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended.

Banking and Insurance.

By Mr. Lewis Bowen:

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such

cities; to provide for the creation of such funds; and for appropriations to make up deficits therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the city is located which creates the fund from which such members, respectively, receive benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed.

Municipal Organizations.

By Mr. Fite:

H. 180. To regulate the selling of gasoline at retail and to provide the punishment for the violation of this Act.

Ways, Means and Appropriations.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the following resolutions and returns same herewith to the House, to-wit:

H. J. R. 14. Creating a Joint Committee of two from the Senate and three from the House to consider and recommend the per diem and mileage of members of recess committees of the Legislature.

Also:

H. J. R. 17. Requesting the members of the Alabama Delegation in Congress to oppose any effort to repeal the present laws restricting and limiting immigration.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Craft:

S. J. R. 43. Whereas, the Southern Forestry Congress will hold its Fifth Annual Convention in the City of Montgomery, Alabama, on January 29th,-31st, inclusive:

Therefore be it resolved by the Senate, the House concurring, that a Joint Resolution be passed inviting Hon. H. S. Graves, Professor of Yale School of Forestry, Henry E. Hardtner, a practical lumberman, and E. F. Allison, lumber king, to address a joint session of the Legislature, the Governor and State officials of the State of Alabama, on January 30, 1923, on the importance of reforestation of our State, and what it means to the State and Nation. The Commissioner of Conservation is hereby instructed to forthwith extend invitations to the above named gentlemen to be present on that date.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 43, which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 47. Be it resolved by the Senate, the House concurring, that a joint committee be raised, consisting of three from the House, to be appointed by the Speaker of the House, to which number the Speaker shall be added as an ex-officio member, and two from the Senate, to be appointed by the Lieutenant Governor, and of which the president pro tem of the Senate shall be an ex-officio member, which committee, when appointed, shall be, and is hereby empowered and directed to sit with the State budget commission during the recess period of the Legislature, to investigate the financial condition and

needs of the State, and its several departments, and to act with and assist said State Budget Commission in any manner that may be found necessary in order to carry out the purpose of said State Budget Commission, so as to be able to report to the adjourned session of the Legislature a well defined financial plan for the State, the objects and amounts of expenditures, the source and yield of revenues, and the way the expenditures and revenues are made to balance. That the members of said committee shall receive the same mileage and compensation as members of the Legislature during the time they are engaged in their duties aforesaid.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 47, which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Waddell:

S. 6. To provide for the organization, regulation, and government of the State Bar, including admissions and disbarment of lawyers.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 6.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 90. To provide for the situs of debts due to non-residents for the purpose of attachment.

H. 108. To repeal an act entitled: "An Act to regulate the fees of the Judge of the County Court of Franklin County, Alabama." Approved February 21, 1893.

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

H. 114. To amend Sections One, Two, Three, Four (as amended Acts 1920, page 23), Five, Six (as amended Acts 1920, page 23), Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen (as amended Acts 1920, page 23), Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Twenty-nine, of an Act entitled an Act relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as One Hundred and Fifty Thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties, juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; and to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers or their work as provided for in this act; to provide for the taking and enforcement of recognizances and

bonds, and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards; to provide for the appointment of a judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act. Approved February 19th, 1919; and to amend said act as a whole by adding thereto Sections Two (a) 2 a, Five (a) 5 a, Five (b) 5 b, Five (c) 5 c, Five (d) 5 d, Five (e) 5 e, Five (f) 5 f, Five (g) 5 g, Five (h) 5 h, Five (i) 5 i, Five (j) 5 j, Five (k) 5 k.

H. 115. Relating to desertion or non-support of wives by husbands and of a child or children, by parents in all counties of this State which now have a population of Two Hundred Thousand or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter; to make it a misdemeanor for a husband to desert or neglect or fail to provide for the support of his wife, or for a parent to desert or neglect or fail to provide for the support of his or her child, or children, under eighteen years of age, in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of such persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein, to fix the time when this act shall go into effect.

H. 120. To fix and regulate the compensation of the registers of the Circuit Court in counties in the State having more than Two Hundred Thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

S. 7. To fix the traveling and maintenance expenses to be allowed and paid Circuit Judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report, with a substitute:

H. 46 (with substitute). To amend Sections 3613, 3615 and 3622 of the Code of 1907.

H. 99 (with substitute). To amend an Act entitled an Act "To provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensation;" to abolish the office of Deputy Solicitor for Autauga County; to prohibit the Circuit Solicitor from appointing a Deputy Solicitor, or Assistant Solicitor, for the County of Autauga; and to provide for the discharge of the duties heretofore devolving upon the Deputy Solicitor, or Assistant Solicitor for said county; and to prohibit the payment of any compensation to such Deputy Solicitor.

Mr. Culver, Chairman of the Standing Committee on Education reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 104. To require instruction in the public schools in this State in regards to the humane protection of animals.

H. 147. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 38. To create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing,

in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners; fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing of the holding of monthly meetings of said board of commissioners and providing for the repeals of all laws in conflict with this act; providing for the appointment, nomination and election of said board of commissioners.

Mr. Walton, Acting Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 22. To provide for the withdrawal of any deposit of mutual aid or industrial association or corporation with the State when such corporation or association ceases to do business in the State and re-insure its policy holders in this State.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 127. To make it unlawful for any one to move or disturb the body of a person, or his personal effects, whose death is due to violence, before an inquest by the coroner, or except on his order, or the order of his assistant, or the order of the sheriff, or order of the solicitor, or order of a circuit judge; to make it the duty of the sheriff to execute any and all processes directed to him by the coroner, in the discharge of his official duties; to empower the coroner to perform autopsies upon the bodies of persons who have died by violence, when necessary to ascertain the cause of death, or to obtain evidence which he reasonably be-

lieves will become admissible as against any person inflicting the wound or wounds which caused the death of said person; to authorize any person to pick up and secure the body of any deceased person found in the waters or streams of the counties embraced in this act, and to further provide for the compensation of such person for so doing; and to provide that this Act shall apply to all counties in the State of Alabama having more than two hundred thousand population according to the last or any succeeding Federal census; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 9. To amend Section 6032 of the Code of Alabama.

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

S. 28. To amend Section 1188 of the Code of 1907.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee,

in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 96. To further provide penalties for violation of the conservation statutes.

Mr. Graves, Chairman of the Standing Committee on Claims and Fees, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 113. To fix the compensation of Circuit Clerk of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 14. To provide that County Superintendents of Education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

H. 42. To provide for the election of the County Superintendent of Education by the qualified electors of each county of the State of Alabama.

H. 88. To provide for the election of County Superintendents of Education in the several counties of the State of Alabama, by the qualified electors of such county; to prescribe his or her qualifications and duties and to provide for the salary and compensation of such officers.

H. 129. To provide for the election of a County Superintendent of Education by the qualified electors of each county of the State of Alabama, to prescribe his qualification and fix his term of office.

The above and foregoing bills were severally read a second time and placed on the Adverse Calendar.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following resolution, and ordered same returned to the House with a favorable report:

By Mr. Moxley:

H. J. R. 21. Reative to assent to Act of Congress for the promotion of the welfare and hygiene of maternity and infancy.

On motion of Mrs. Wilkins the above House Joint Resolution No. 21 was recommitted to the Standing Committee on Rules.

NOTICE GIVEN TO TAKE BILLS FROM ADVERSE CALENDAR.

Mr. Henley gave notice that on the next Legislative Day he would move to take H. 14 from the Adverse Calendar.

Mr. St. John gave notice that on the next Legislative Day he would move to take H. 88 from the Adverse Calendar.

RECOMMITTAL OF BILL.

On motion of Mr. Bowen (L. K.) House bills:
By Mr. Howze:

H. 114. To amend Sections One, Two, Three, Four (as amended Acts 1920, page 23), Five, Six (as amended Acts 1920, page 23), Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen (as amended Acts 1920, page 23), Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Twenty-nine, of an Act entitled an act relating to dependent, neglected, or delinquent children in all counties of Alabama which have a population of as many as one hundred and fifty thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the State; to provide for their custody, discipline, supervision, care, protection, guardianship and welfare; to create and establish in such counties, juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction, under the terms of this act, to try and determine the question of the dependency, neglect or delinquency of children in such counties, and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training; and generally to confer upon such courts jurisdiction and power to try and determine all questions arising under the terms of this act, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this act; to provide for the trial and punishment of those who aid, abet, cause, connive at, or contribute to the dependency, neglect, or delinquency of such children; and to provide and regulate the procedure in such cases, and to confer power upon such courts to make such rules and regulations and to devise such forms, where not otherwise provided for under the terms of this act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the county shelter, or parental school, or for the conduct of probation officers or their

work as provided for in this act; to provide for the taking and enforcement of recognizances and bonds, and for the taking of appeals from the decisions, of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent under the terms of this act; to provide for the establishment and maintenance of a detention home, or parental school, and for the appointment and compensation of probation officers; to provide for the appointment of a referee or referees and to define their power and duties; to provide for the appointment of an advisory board to such courts, and to define the duties and powers of such boards to provide for the appointment of the judge and other officers of such courts and to define their powers and duties and provide for their compensation; to declare that should any part of this act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws in conflict with this act. Approved February 19th, 1919; and to further amend said act as a whole by adding thereto Sections Two (a) 2 a, Five (a) 5 a, Five (b) 5 b, Five (c) 5 c, Five (d) 5 d, Five (e) 5 e, Five (f) 5 f, Five (g) 5 g, Five (h) 5 h, Five (i) 5 i, Five (j) 5 j, Five (k) 5 k.

And:

By Mr. Howze:

H. 115. Relating to desertion or non-support of wives by husbands, and of a child, or children, by parents in all counties of this State which now have a population of two hundred thousand, or more, according to the last Federal census, or which shall have such population, or more, according to any such census taken hereafter; to make it a misdemeanor for a husband to desert or neglect or fail to provide for the support of his wife, or for a parent to desert or neglect or fail to provide for the support of his or her child, or children, under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of such persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties

shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; to fix the time when this act shall go into effect.

Were recommended to the Standing Committee on Judiciary.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the financial condition of the State Treasury.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

January 25, 1923.

MESSAGE FROM THE GOVERNOR.

Message to the House of Representatives:

Whereas, there has been conflicting statements as to the present conditions of the State Treasury, and

Whereas, it is very necessary for you to know the present condition of the State Treasury, I am herewith submitting to you for your information, consideration and action certified statements of the State Auditor showing the present condition of the State Treasury.

The first statement shows the amount of money in the State treasury to the credit of the General Fund and also the amount of outstanding warrants on the 15th day of January, 1923.

The second statement shows the net amount due the trust funds of the State on the 15th day of January, 1923.

The third statement shows the receipts and disbursements of the Highway Department from the 1st of October, 1922 to January 15, 1923.

These statements considered together show that there is at present a considerable deficit instead of a large surplus in the State Treasury.

I, therefore, recommend that this message, together with these statements be referred to the joint committee to be appointed by the Legislature to sit with the Budget Commission to investigate the financial condition and needs of the State.

Respectfully,

Wm. W. Brandon,

Governor.

January 25, 1923.

STATEMENT SHOWING THE AMOUNT OF MONEY IN THE TREASURER'S OFFICE, TO THE CREDIT OF THE GENERAL FUND, ALSO SHOWING THE AMOUNT OF OUTSTANDING WARRANTS ON THE 15TH DAY OF JANUARY, 1923:

Total amount of cash on hand at the close of the 15th.....	\$ 1,127,775.66
Total amount of cash on hand to the credit of the State Highway Bonds account	1,083,775.28

Total amount of money to the credit of the General Fund on the 15th	44,000.38
Total amount of outstanding warrants on the 15th.....	973,349.04
Total amount of outstanding warrants to be charged against the Highway Bonds account.....	305,279.39

Net amount of outstanding warrants to be charged against the General Fund	668,069.65
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Total amount of outstanding warrants charged against the General Fund	668,069.65
Total amount of money to the credit of the General Fund.....	44,000.38

Total amount of outstanding warrants in excess of cash on hand at the close of the 15th.....	624,069.27
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I hereby certify that this is a true and correct statement according to the records in the Auditor's office.

W. B. Allgood,
State Auditor.
By C. W. Lee,
Warrant Clerk.

STATEMENT SHOWING THE NET AMOUNT DUE THE TRUST FUNDS OF THE STATE ON THE 15TH OF JANUARY, 1923.

	<i>Amount Due</i>
United Daughters of the Confederacy.....	\$ 1,250.00
U. S. Forest Reserve.....	681.29
Game and Fish Department.....	142,148.45
Industrial Rehabilitation—Federal Fund.....	10,872.45
Produce and Markets Bureau.....	510.09
Oyster Protection Fund.....	5,703.02
Pure Food and Drugs.....	307,447.71
Two and Three Per Cent Fund.....	1,895.93
Vocational Education—Federal Fund—Agricultural subjects, trades, and industries, teachers' training.....	7,280.02
Social Hygiene Board.....	506.49
Federal Board of Maternity and Infant Hygiene.....	4,132.94
State Highway Department.....	1,867,133.71
	<u>\$2,349,562.11</u>

NOTE—The above amounts are to be paid out of the General Fund.
I hereby certify that this is a correct statement according to the records in the Auditor's office.

W. B. Allgood,
State Auditor.

STATEMENT SHOWING THE RECEIPTS AND DISBURSEMENTS OF THE HIGHWAY DEPARTMENT FROM THE 1ST OF OCTOBER, 1922, THROUGH JANUARY 15, 1923.

	<i>Disbursements.</i>	<i>Receipts.</i>
Auto Licenses	\$ 73.11	\$ 993,635.34
Auto Replacement Tags		270.00
Auto Demonstration Tags		1,525.00
Sale of Highway bonds.....	1,634,802.35	1,390,368.42
Accrued interest, highway bonds.....		21,943.00
Option fees, Highway bonds.....		500.00
Premiums on Highway bonds.....		300.00
State Highway Bond account, Federal Fund refund		728,591.52
Highway Dept. Mssl. Federal Fund, refund.....		39,122.89
Highway Sinking fund, to retire Highway bonds	293,638.30	
Amount brought forward from the last fiscal year and placed to the credit of the Highway Dept.		1,471,892.39

State Highway Dept., Misch.....	370,802.59	2,459.09
Balance.....	2,351,291.30	
Total.....	\$ 4,650,607.65	\$ 4,650,607.65
Balance.....		\$ 2,351,291.30

NOTE.—The amount due the Bond Fund is \$484,157.59, leaving a balance of \$1,867,133.71 to be paid out of the General Fund.

GOVERNOR'S MESSAGE.

The above and foregoing message from the Governor was read at length and referred to the Joint Committee to sit with the Budget Commission when said Committee is raised.

BILLS ON THIRD READING.

H. 74. To provide statutory legislation to conform to Federal Migratory Bird Treaty Act and regulations thereunder.

Was taken up. Mr. Pickens offered the following substitute for the bill:

Substitute for H. 74, by Mr. Pickens:

A BILL.

To be entitled an Act to amend Section 6958 of the Criminal Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6958 of the Criminal Code of Alabama, 1907, be and the same is hereby amended so as to read as follows:

"Section 6958. Open and closed season as to game birds.—No person or persons shall injure, kill, hurt or destroy by any means whatsoever, or have, or be in possession of, except as expressly permitted by the provisions of this code, the following named game birds, except between the following dates: Wild turkey gobblers, December 1st to April 1st, following; quail (bob-white, partridges), from November 20th to February 20th, following."

Section 2. That no person shall injure, kill or hurt or destroy by any means whatsoever, or have, or be in possession of the following migratory game birds, except between the following dates: Doves, October 16th to January 31st; duck, geese, brant, plover, Wilson snipe, yellow-legs, coot and mud-hen, November 1st to January 31st; woodcock, from November 1st to December 31st; rail, other than gallinules, September 1st to November 30th; provided this Act shall not be construed so as to authorize or legalize the taking, capturing, killing, injuring, destroying, having or being in possession of any of the migratory game birds, named in this section, at any time and in any

manner prohibited by the Federal Law or regulations based thereunder, but that the taking, capturing, killing, injuring, destroying, having or being in possession of any of the migratory game birds, named in this section, in violation of the Federal law and the regulations based thereunder, shall be a violation of the State law.

Section 3. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty (\$20.00) dollars nor more than fifty (\$50.00) dollars for each offense.

Section 4. All laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 5. This act shall become effective upon its passage and approval by the Governor.

Mr. Parker offered the following amendment to the substitute:

"Quails, partridges, and bob-whites, from December 1st to February 1st."

On motion of Mr. Jeter, the amendment offered by Mr. Parker was laid upon the table.

And the substitute was adopted.

Yeas, 80; nays, 5.

Yeas:

Messrs:

Adams	Fanning	Jeter	Sanders (Pike)
Adcock	Ferrell	Jones	Sessions
Allen	Fite	Kilpatrick	Smith (Clay)
Arrington	Forman	Lee	Smith (Lee)
Ashcraft (Fayette)	Gaines	LeMaistre	Snodgrass
Bealle	Glass	Love	Sollie
Bowen, Lewis	Glenn	Luck	Stewart (Calhoun)
Bowen, L. K.	Glover	McGowen	Thompson (Etowah)
Boykin	Goode	Moorer	Thompson (Jackson)
Burns	Goodwyn	Nichols	Tiller
Byars	Grove	Norman	Tunstall
Calloway	Guy	Odom	Tyson
Cato	Hall	Parker	Varnier
Christian	Hampton	Patterson	Verner
Cook	Hatter	Pickens	Walker
Dickinson	Hawkins	Posey	Wall
Dowdle	Henley	Ringer	Walton
Dunwoody	Hodgson	Rountree	Ware
Elliott	Howard	Russell	Williams
Embry	Howze	Sanders (Conecuh)	Wyatt

Nays:

Messrs:

Coleman	Graves	Henson	Moxley
Deloney			

And the bill:

H. 74. To provide statutory legislation to conform to Federal Migratory Bird Treaty Act and regulations thereunder.

As amended by the substitute, was read a third time at length and passed.

Yeas, 82; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jeter	Sanders (Conecuh)
Adams	Dunwoody	Jones	Sanders (Pike)
Adcock	Elliott	Kilpatrick	Smith (Clay)
Ashcraft (Fayette)	Embry	LeMaistre	Smith (Lee)
Ashcraft (Lauderd ¹)	Fanning	Letson	Snodgrass
Bealle	Fite	Love	Sollie
Blackwell	Forman	Luck	Stewart (Bibb)
Bowen, Lewis	Gaines	McGowen	Stewart (Calhoun)
Bowen, L. K.	Glass	Moorer	Thompson (Etowah)
Boykin	Goode	Nichols	Thompson (Jackson)
Burns	Goodwyn	Norman	Tiller
Burton	Graves	Odom	Tyson
Byars	Grove	Patterson	Varnier
Calloway	Hampton	Pickens	Verner
Cato	Hatter	Posey	Walker
Christian	Hawkins	Powell	Wall
Cook	Henley	Ringer	Walton
Culver	Hodgson	Rives	Ware
Cunningham	Hornsby	Russell	Williams
Deloney	Howard	St. John	Wyatt
Dickinson	Howze		

—82

Nays:

Messrs:

Coleman	Lee	Moxley	Sessions
Henson			

—5

RECOMMITTAL OF BILL.

On motion of Mr. Pickens:

H. 75. To amend section six thousand nine hundred sixty-one (6961) and section six thousand nine hundred sixty-three (6963) of the Criminal Code of Alabama, 1907.

Was recommitted to the Standing Committee on Game, Fish and Forestry Preservation.

BILLS ON THIRD READING.

H. 87 (with substitute). To further regulate the general revenue of the State.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Commerce and Common Carriers, said substitute being as follows:

A BILL.

To be entitled an Act to further regulate the general revenue of the State.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the State Tax Commission shall be composed of a chairman and four associate members, who shall be appointed by the Governor. The term of office of each of the members of said Commission shall begin on the 15th day of February, 1923, or as soon thereafter as they shall be appointed and qualify, and shall expire upon the 15th day of February, 1927. Upon the termination of the term of office of such members they shall likewise be appointed by the Governor for a term of four years, and thereafter the members of said Commission shall likewise be appointed by the Governor for a term of four years. The Governor at the time of the appointment of such Commission, shall designate which of said appointees shall be chairman of said Commission. In case of a vacancy in said State Tax Commission, caused at any time by death, resignation, removal or otherwise, the vacancy shall be filled by appointment by the Governor for the unexpired term, and such State Tax Commission shall exercise all the powers now conferred on the present State Tax Commission and shall each receive the same compensation as now provided by law.

Sec. 2. That the office of county tax adjuster and the boards of county tax adjusters be and the same hereby are abolished. This section of this act shall take effect on September 30, 1923; provided, however, that the Governor, or the State Tax Commission, with the approval of the Governor, may discontinue, in any county, at any time he or it thinks proper, the services of any county tax adjuster or any county board of tax adjusters, before September 30, 1923, and in the event of such discontinuance, the occupant of such office shall not draw or be entitled to any salary or compensation for any period after the date of such discontinuance.

Sec. 3. That all laws and parts of laws, in conflict with or inconsistent with this act be, and the same hereby are repealed.

Mr. Long offered the following substitute for the substitute reported by the Standing Committee on Commerce and Common Carriers:

LONG SUBSTITUTE FOR COMMITTEE SUBSTITUTE, H. 87.

A bill to be entitled an Act to regulate further the general revenue laws of the State, so as to create a New State Tax Commission, and to abolish the tax adjuster and Boards of County Tax Adjusters.

Be it enacted by the Legislature of Alabama :

Section 1. The New State Tax Commission shall be composed of a chairman and four associate members, who shall be appointed by the Governor. The term of office of each of the members of said Commission shall be at the will of the Governor.

Section 2. The Governor, as soon after the approval of this Act as possible, shall appoint the members of the Board, and shall designate which of said appointees shall be chairman of said Commission. In case of a vacancy in said State Tax Commission, caused at any time by death, resignation, removal or otherwise, the vacancy shall be filled by appointment of the Governor, and the appointee shall hold office only at the will of the Governor. The New State Tax Commission shall have all the authority and powers and perform all the duties now conferred and imposed on the present State Tax Commission.

Section 3. The salaries and compensation of the chairman and the members of the New Tax Commission hereby created shall be the same as that of the chairman and members of the present State Tax Commission.

Section 4. The office of county tax adjuster and the boards of county tax adjusters be and the same hereby are abolished. This section of this Act shall take effect on September 30, 1923; provided, however, that the Governor, or the State Tax Commission, with the approval of the Governor, may discontinue, in any county, at any time he or it thinks proper, the services of any county tax adjuster or any county board of tax adjusters, before September 0, 1923, and in the event of such discontinuance, the occupant of such office shall not draw or be entitled to any salary or compensation for any period after the date of such discontinuance.

Section 5. That all laws and parts of laws in conflict with or inconsistent with this Act be and the same hereby are repealed.

Mr. Elliot offered the following amendment to the substitute offered by Mr. Long:

Amend by striking out the words "on September 30th, 1923" in line three, Section 4 of the bill, and insert in lieu thereof the word "immediately."

On motion of Mr. Long, the amendment offered by Mr. Elliot was laid upon the table.

And the substitute offered by Mr. Long was adopted.

Mr. St. John offered the following amendment to the substitute reported by the Standing Committee on Commerce and Common Carriers as amended by the substitute offered by Mr. Long:

To amend Section 4 of the substitute to the substitute by striking out the words September 30th, 1923, and insert in lieu thereof July 30th, 1923.

On motion of Mr. Long the amendment offered by Mr. St. John was laid upon the table.

Mr. Williams offered the following amendment to the substitute reported by the Standing Committee on Commerce and Common Carriers, as amended by the substitute offered by Mr. Long:

Amend substitute for House Bill No. 87 by substituting the words "during the term of the Governor" in lieu of the words "at the will of the Governor."

On motion of Mr. Walker the amendment offered by Mr. Williams was laid upon the table.

And the substitute reported by the Standing Committee on Commerce and Common Carriers, as amended by the substitute offered by Mr. Long, was adopted.

Yeas, 92; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Elliott	Kilpatrick	Sanders (Pike)
Adams	Embry	Lee	Sessions
Adcock	Fanning	LeMaistre	Smith (Clay)
Allen	Ferrell	Letson	Smith (Jefferson)
Arrington	Forman	Long	Smith (Lee)
Ashcraft (Fayette)	Glass	Love	Snodgrass
Ashcraft (Lauderdl.)	Glover	Luck	Sollie
Bealle	Goode	McGowen	Stewart (Bibb)
Bowen, Lewis	Goodwyn	Melton	Stewart (Calhoun)
Bowen, L. K.	Graves	Moorer	Thompson (Etowah)
Boykin	Grove	Moxley	Thompson (Jackson)
Burns	Guy	Nichols	Tiller
Burton	Hall	Norman	Tunstall
Calloway	Hampton	Odom	Tyson
Cato	Hatter	Parker	Varner
Coleman	Hawkins	Patterson	Walker
Cook	Henley	Posey	Wall
Culver	Hodgson	Ringer	Walton
Cunningham	Hornsby	Rives	Ware
Deloney	Howard	Rountree	Mrs. Wilkins
Dickinson	Howze	Russell	Williams
Dowdle	Jeter	St. John	Wyatt
Dunwoody	Jones	Sanders (Conecuh)	Young

Nays: Messrs. Blackwell and Henson—2.

And the bill:

H. 87. To further regulate the general revenue of the State. As amended by the substitute, was read a third time at length and passed.

Yeas, 93; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jones	Rutherford
Adcock	Embry	Kilpatrick	Sanders (Conecuh)
Allen	Fanning	Lee	Sanders (Pike)
Arrington	Ferrell	LeMaistre	Sessions
Ashcraft (Fayette)	Fite	Letson	Smith (Clay)
Ashcraft (Lauderdl.)	Forman	Long	Smith (Jefferson)
Bealle	Glass	Love	Smith (Lee)
Blackwell	Glover	Luck	Snodgrass
Bowen, Lewis	Goode	McGowen	Sollie
Bowen, L. K.	Goodwyn	Melton	Stewart (Bibb)
Boykin	Graves	Moorer	Stewart (Calhoun)
Burns	Grove	Nichols	Thompson (Etowah)
Burton	Guy	Norman	Thompson (Jackson)
Byars	Hall	Odom	Tiller
Calloway	Hampton	Parker	Tunstall
Cato	Hatter	Patterson	Tyson
Christian	Hawkins	Pickens	Verner
Cook	Henley	Posey	Wall
Culver	Henson	Powell	Walton
Cunningham	Hodgson	Ringer	Ware
Deloney	Hornsby	Rives	Mrs. Wilkins
Dickinson	Howard	Rountree	Wyatt
Dowdle	Howze	Russell	Young
Dunwoody			

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Mr. Long moved to reconsider the vote by which the Bill H. 87 was passed and on motion of Mr. Long the motion to reconsider the vote by which the bill passed was laid upon the table.

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the Criminal Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 73; nays, 8.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jeter	St. John
Adcock	Embry	Jones	Sanders (Conecuh)
Allen	Fanning	Kilpatrick	Sessions
Arrington	Fite	LeMaistre	Smith (Clay)
Ashcraft (Fayette)	Forman	Letson	Smith (Jefferson)
Ashcraft (Lauderdl.)	Glenn	Love	Snodgrass
Bealle	Glover	Luck	Sollie
Blackwell	Goode	Moorer	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	Nichols	Thompson (Etowah)
Boykin	Grove	Norman	Tiller
Burns	Guy	Odom	Tyson
Burton	Hampton	Parker	Verner
Byars	Hatter	Patterson	Verner
Calloway	Hawkins	Pickens	Walker
Cook	Henson	Posey	Wall
Culver	Hodgson	Powell	Ware
Dickinson	Howard	Ringer	Williams
Dowdle	Howze	Russell	Young
Dunwoody			

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Nays:

Messrs:

Cato	Gaines	Melton	Smith (Lee)
Ferrell	Glass	Rutherford	Wyatt

—8

H. 77. To amend section 6958 of the Criminal Code of Alabama, 1907.

Was taken up. Mr. Powell offered the following amendment to the bill:

Amendment to H. 77, by striking from Section 1 of said bill the words and figures as follows: "from November 20th to February 15th" where they last occur together in said section, and by inserting in lieu thereof the words and figures, viz: "from December 1st to February 1st."

On motion of Mr. Goode the amendment offered by Mr. Powell was laid upon the table.

Mr. Goode offered the following amendment to the bill:

Amend House Bill No. 77 by striking out the figures "15th" where they occur in last line of Section 1 of said bill and inserting in lieu thereof the figures "20th."

And the amendment was adopted.

Yeas, 84; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Rutherford
Adams	Elliott	Howze	Sanders (Pike)
Adcock	Embry	Jeter	Sessions
Allen	Fanning	Jones	Smith (Clay)
Arrington	Ferrell	Kilpatrick	Smith (Lee)
Ashcraft (Fayette)	Fite	Lee	Snodgrass
Ashcraft (Lauderdl.)	Forman	LeMaistre	Stewart (Calhoun)
Bealle	Gaines	Letson	Thompson (Etowah)
Blackwell	Glass	Love	Tiller
Bowen, L. K.	Glenn	Luck	Tunstall
Boykin	Glover	McGowen	Tyson
Burns	Goode	Melton	Varnier
Burton	Goodwyn	Moorer	Verner
Calloway	Grove	Norman	Walker
Cato	Guy	Odom	Wall
Cook	Hall	Patterson	Walton
Culver	Hatter	Pickens	Ware
Cunningham	Hawkins	Posey	Mrs. Wilkins
Deloney	Henley	Ringer	Williams
Dickinson	Henson	Rountree	Wyatt
Dowdle	Hodgson	Russell	Young

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And the bill:

H. 77. To amend section 6958 of the Criminal Code of Alabama, 1907.

As amended was read a third time at length and passed.

Yeas, 79; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	Sessions
Adams	Fite	Kilpatrick	Smith (Clay)
Adcock	Forman	Lee	Smith (Jefferson)
Allen	Gaines	LeMaistre	Smith (Lee)
Arrington	Glenn	Letson	Snodgrass
Ashcraft (Fayette)	Glover	Love	Sollie
Ashcraft (Lauderdl.)	Goode	Luck	Stewart (Calhoun)
Bealle	Goodwyn	McGowen	Thompson (Etowah)
Blackwell	Grove	Moorer	Tiller
Bowen, Lewis	Guy	Nichols	Tunstall
Bowen, L. K.	Hall	Norman	Tyson
Boykin	Hampton	Odom	Verner
Burns	Hatter	Patterson	Verner
Burton	Hawkins	Pickens	Wall
Byars	Henson	Posey	Walton
Calloway	Hodgson	Ringer	Ware
Cato	Hornsby	Rountree	Mrs. Wilkins
Cook	Howard	Rutherford	Wyatt
Dowdle	Howze	St. John	Young
Dunwoody	Jeter	Sanders (Pike)	

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H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Was read a third time at length and passed.

Yeas, 85; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Jones	Rountree
Adams	Fanning	Kilpatrick	Russell
Adcock	Fite	Lee	St. John
Allen	Forman	LeMaistre	Sanders (Conecuh)
Arrington	Gaines	Letson	Sessions
Ashcraft (Fayette)	Glass	Love	Smith (Clay)
Bealle	Glover	Luck	Smith (Lee)
Blackwell	Goodwyn	McGowen	Sollie
Bowen, Lewis	Graves	Melton	Stewart (Calhoun)
Bowen, L. K.	Grove	Moorer	Thompson (Etowah)
Boykin	Guy	Moxley	Tiller
Burns	Hall	Nichols	Tunstall
Burton	Hampton	Norman	Tyson
Byars	Hawkins	Odom	Verner
Calloway	Henley	Parker	Walker
Cato	Henson	Patterson	Wall
Christian	Hodgson	Pickens	Walton
Cook	Hornsby	Posey	Ware
Culver	Howard	Powell	Mrs. Wilkins
Deloney	Howze	Ringer	Wyatt
Dowdle	Jeter	Rives	Young
Dunwoody			

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H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jones	Smith (Clay)
Adams	Embry	Lee	Smith (Jefferson)
Adcock	Fanning	LeMaistre	Smith (Lee)
Allen	Fite	Letson	Snodgrass
Ashcraft (Fayette)	Forman	Love	Sollie
Bealle	Gaines	Luck	Stewart (Calhoun)
Blackwell	Glover	Moorer	Thompson (Jackson)
Bowen, Lewis	Graves	Moxley	Tiller
Bowen, L. K.	Grove	Nichols	Tyson
Burns	Hall	Norman	Varner
Burton	Hampton	Parker	Verner
Byars	Hatter	Patterson	Walker
Calloway	Hawkins	Ringer	Wall
Cato	Henley	Russell	Ware
Cook	Henson	St. John	Williams
Culver	Hodgson	Sanders (Conecuh)	Wyatt
Deloney	Howard	Sanders (Pike)	Young
Dowdle	Jeter	Sessions	

—71

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Was read a third time at length and passed.

Yeas, 74; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Grove	McGowen
Adams	Culver	Guy	Melton
Adcock	Cunningham	Hall	Moorer
Allen	Deloney	Hatter	Nichols
Ashcraft (Fayette)	Dowdle	Henley	Odom
Bealle	Dunwoody	Henson	Parker
Blackwell	Embry	Hodgson	Patterson
Bowen, Lewis	Fanning	Howze	Posey
Bowen, L. K.	Forman	Jeter	Powell
Boykin	Glass	Jones	Rives
Burns	Glenn	Lee	Russell
Burton	Glover	LeMaistre	St. John
Byars	Goode	Letson	Sanders (Pike)
Calloway	Goodwyn	Long	Sessions
Cato	Graves	Love	Smith (Clay)

Smith (Jefferson)	Tiller	Wall	Williams
Smith (Lee)	Tyson	Walton	Wyatt
Snodgrass	Verner	Ware	Young
Sollie	Walker		

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On motion of Mr. Fite the Bill H. 70 was ordered sent forth-with to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until tomorrow morning at 10 o'clock.

NINTH DAY.

House of Representatives,
Friday, January 26th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Mills of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Kilpatrick	Sanders (Conecuh)
Adams	Fanning	Lee	Sanders (Pike)
Adcock	Ferrell	LeMaistre	Sessions
Allen	Fite	Letson	Smith (Clay)
Arrington	Forman	Long	Smith (Jefferson)
Ashcraft (Fayette)	Gaines	Love	Smith (Lee)
Ashcraft (Lauderdl.)	Glass	Luck	Snodgrass
Bealle	Glenn	McGowen	Sollie
Blackwell	Glover	Melton	Stewart (Bibb)
Bowen, Lewis	Goode	Mooneyham	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	Moorer	Thompson (Etowah)
Boykin	Graves	Moxley	Thompson (Jackson)
Burns	Grove	Nichols	Tiller
Burton	Guy	Norman	Tunstall
Byars	Hall	Odom	Tyson
Calloway	Hampton	Parker	Verner
Cato	Hatter	Patterson	Verner
Christian	Hawkins	Pickens	Walker
Coleman	Henley	Posey	Wall
Cook	Henson	Powell	Walton
Culver	Hodgson	Ringer	Ware
Cunningham	Hornsby	Rives	Mrs. Wilkins
Deloney	Howard	Rountree	Williams
Dickinson	Howze	Russell	Wyatt
Dowdle	Jeter	Rutherford	Young
Elliott	Jones	St. John	

A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF THE STANDING COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal beg leave to report that it has examined the Journal for the Eighth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Eighth Day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Hubbard and Dunwoody for today.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed bills beg leave to report that they have examined the following House bills:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Also:

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

Also:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the Criminal Code of Alabama, 1907.

Also:

H. 77. To amend section 6958 of the Criminal Code of Alabama, 1907.

Also:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Also:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjuster and Boards of County Tax Adjusters.

Also:

H. 82. To make an appropriation for tick eradication.
And find same correct.

Lee Glenn,

Chairman Engrossed Bills Committee.

The report of the Committee was concurred in and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker of the House announced, in accordance with the provisions of House Joint Resolution No. 13, the following Committee to sit during the recess to prepare legislation affecting the agricultural interest of the State: Messrs. Burns, Chairman; Ashcraft of Lauderdale, and Goode.

MEMORIAL.

The following memorial was read by the Clerk and ordered spread upon the Journal:

January 17, 1923.

Hon. Hugh D. Merrill,
Speaker of the House,
Montgomery, Alabama.

My dear Judge:

At the regular meeting of the Mobile Optimist Club, Tuesday, January 16th, 1923, the following resolution was offered and passed:

"Whereas, this organization has been informed that a state-wide bill has been introduced before the Legislature of the State of Alabama now in session which, if passed, will prohibit baseball games, moving pictures and other recreational activities in the City of Mobile on Sunday,

Be it resolved, by the Mobile Optimist Club, in regular meeting, that such a state-wide law would work a useless hardship upon and unnecessarily interfere with the harmless amusements of the citizens of Mobile,

Be it further resolved, that the Mobile Optimist Club is definitely and firmly opposed to any such pernicious legislation, and

Be it further resolved, that these resolutions be spread upon the minutes of the Club, that a copy thereof be immediately forwarded to the Governor of Alabama, the Lieutenant Governor, the Speaker of the House, the Senator and each Representative in the Legislature from Mobile."

Respectfully yours,

C. J. Youngblood,
Secretary.

REPORT OF STATE HARBOR COMMISSION.

The following report was read by the Clerk and ordered spread upon the Journal:

The Alabama Legislature,
Montgomery, Alabama.
Gentlemen:

I beg to hand you herewith Secretary's annual report for the year 1922 of finances and all other matters pertaining to the office of Secretary

and Treasurer of the Alabama State Harbor Commission, which is in accordance with the Act creating the Commission.

Yours very truly,
 Agnes G. Orton,
 Acting Secretary and Treasurer,
 State Harbor Commission.

ANNUAL REPORT OF STATE HARBOR COMMISSION EMBRACING
 ALL TRANSACTIONS AS TO FINANCES AND GENERAL
 REPORTS OF VESSELS ENTERING THE PORT OF
 MOBILE DURING THE YEAR 1922.

Jan. 1st, 1922.	By balance as per statement rendered.....	\$ 7,161.55	
Dec. 31st, 1922.	Received from Chief Wharfinger earnings by Deputies for shifting mooring and unmooring vessels.....	8,215.54	
	Expense account for expenses of office, including rent and general office expenses; traveling expenses of Com- missioners; bonds of Commissioners and Acting Secre- tary; additional salaries to Deputies; legal services and statistical report	\$ 7,398.31	
	Balance in bank to date.....	7,978.78	
			\$ 15,377.09
Jan. 1st, 1923.	Balance in bank.....		\$ 7,978.78

THE FOLLOWING IS STATEMENT OF ACCOUNT WITH
 HON. H. F. LEE, STATE AUDITOR.

Warrants paid Chief Warfing T. P. Norville.....	\$2,600.00
Warrants paid Deputy Wharfinger T. E. Dorgan.....	1,320.00
Warrants paid Deputy Wharfinger M. T. Jackson.....	1,320.00
Warrants paid Deputy Wharfinger Edward Dorgan.....	1,320.00
Warrants paid Acting Secretary and Treasurer Agnes G. Orton.....	1,200.00
	\$7,760.00

VESSEL ACCOUNT FOR SAME YEAR.

No.		Net tonnage	Gross tonnage	Pilotage In	Pilotage Out
469	S. S. F. B.....	1,073,044	1,677,026	\$ 43,873.70	\$ 51,621.00
172	S. S. C. W.....	447,213	635,189		
107	Schooners	65,395	67,875	3,337.90	6,078.70
42	Barges	30,307	35,733	900.50	338.00
1	Srq. R. Vsl.....	1,558	1,558	35.75	265.00
791		1,617,517	2,417,381	\$ 48,147.85	\$ 58,302.70

There are no Port fees for the Port of Mobile other than actual earnings by Deputies, as shown in above report.

State Harbor Commission,
 Agnes G. Orton,
 Acting Secretary and Treasurer.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 24. Resolved, by the House of Representatives, the Senate concurring, that the State Highway Department is here-

by requested to furnish the House and Senate at its earliest convenience the following information:

First—The name, address and salary or *per diem* of each employee, including road engineers and crew.

Second—Expenses of Highway Commissioners.

Third—Amount of automobile tax collected during the past fiscal year.

Fourth—How many bonds, if any, have been sold and paid for.

Fifth—Number of miles of roads surveyed and located in each county and cost of such survey.

Sixth—Number of miles of road contracted for in each county, and the contract price per mile.

Seventh—Number of miles constructed in each county and the cost per mile thereof.

Eighth—Location of each bridge over a navigable stream together with the cost of same if completed and if not completed but contracted for; then the contract price thereof. If any such bridge has been located and not contracted for then the estimated cost thereof.

On motion of Mr. Long the rules were suspended and the resolution was adopted.

By Mr. Sollie:

H. R. 25. Be it resolved by the House that the clerks of the Standing Committees be and are allowed per diem from and including the first legislative day, January 9th, 1923; and that the officers of the House charged with the duty of providing for the payment of the per diem of said clerks be and are hereby directed to make provision for said payment.

On motion of Mr. Sollie the rules were suspended and the resolution was adopted.

By Mr. Tiller:

H. J. R. 26. Whereas, the financial affairs of most of the Counties of Alabama are in a deplorable condition, and Counties are compelled to buy needed supplies from sellers who know that payment therefor will be made at a distance and uncertain time, with the result that reasonable prices cannot be obtained by such Counties; and

Whereas, nearly all the Counties in the State are practically bankrupt and the affairs of several Counties have been administered for the benefit of creditors by Courts of Equity; and

Whereas, reasonably successful financial administration of an Alabama County is considered by State Examiners and the public at large as an unusual and remarkable occurrence; and

Whereas, the principal items of Legislative action in recent years in connection with County Government have been in the direction of bringing about burdens of additional expenditures upon County Treasuries; and

Whereas, under our system of government the functions of County Government include much that is vital to the welfare of the people and to the protection of life, liberty and property, such as the building and maintenance of most of the public roads and bridges, provision for support of paupers, local health affairs, cattle tick eradication, election management and expenses, Court expenditures and the like, all of which are matters which should not be subjected to Legislative indifference; and

Whereas, it is apparent that the people of Alabama and this Legislature should give thoughtful consideration to the distressing financial and governmental condition of Alabama Counties, to the end that such Counties may be enabled to perform their legitimate functions and to be administered by their duly chosen officers, instead of by the Courts for the benefit of their creditors—as many of them soon will be unless changes are quickly brought about;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that a Joint Committee to be composed of five Senators and eight Representatives be raised to sit during the coming recess of this Legislature and make investigation into the affairs of County Government in Alabama, and report their recommendations to this Legislature when it shall reconvene after the approaching recess.

And the resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bill were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Nichols (By request):

H. 181. To prevent the unlawful wearing of the American Legion button.

Military.

By Mr. Nichols (By request):

H. 182. To provide for the recording of all discharges of persons serving in the world war between the dates of April 6, 1917, and November 11, 1918, and to provide further for certified copies of such discharges.

Military.

By Mr. Howze:

H. 183. To define and protect conditional sales of goods and to make uniform the law relating thereto.

Judiciary.

By Mr. Howze:

H. 184. To make uniform the law of partnerships.

Judiciary.

By Mr. Howze:

H. 185. To make uniform the law relating to limited partnerships.

Judiciary.

By Mr. Rives:

H. 186. Relating to the terms of office and a change in the terms of office of all municipal officers in all cities in this State having more than 150,000 population, according to the last or any succeeding Federal census; to authorize and provide for the termination of the terms of office of all such officers by a recall election and to provide for the election of their successors at a succeeding election.

Municipal Organizations.

By Mr. Fite:

To fix and regulate the compensation of the judges of the juvenile courts in counties in the State having more than two hundred thousand population according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Local Legislation.

By Mr. Odom, (with notice and proof):

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

Local Legislation.

Notice and proof H. 188:

NOTICE OF PROPOSED ROAD LAW FOR LAMAR COUNTY.

Notice is hereby given that application will be made to the next Legislature to assemble in January 1923, to pass an act covering the following:

1. To repeal the present road law of Lamar County, Alabama, enacted in 1919.
2. To regulate the opening, construction, maintaining, and working of the public roads, bridges and highways of Lamar County, Alabama and provide a system therefor, and to provide penalties for its violation.
3. To provide for the levying, assessing, or charging of a privilege license for all motor driven vehicles using the public roads of Lamar County, Alabama, to provide for the collection thereof, and to provide for the assessing, levying, charging and collecting a privilege license for each and every wagon or other vehicle drawn by animals, and using the public roads, when such wagons or other vehicles are used to haul for hire, charge, compensation or profit, and to require persons to procure and pay for such privilege license, and to provide penalties for not doing so.
4. To provide for the use of the funds arising from such vehicle license.
5. To provide and enact all such additional legislation as may be pertinent to a complete system of roads for said Lamar County, Alabama.

The State of Alabama, }
 Lamar County. }

Before me, J. T. Maddox, Judge of Probate in and for said County, personally appeared Flavius McDougal, Editor and Publisher of the Lamar Democrat, a newspaper published in Lamar County, Alabama, who, after being duly sworn, deposes and says that the hereto attached Notice of Proposed Road Law for Lamar County was published in said newspaper as the Law directs for four consecutive weeks, to-wit, on January 3rd, January 10th, January 17th, and January 24th, 1923.

Flavius McDougal,

Editor and Publisher of the Lamar Democrat.

Subscribed and sworn to before me this 24 day of January, 1923.

J. T. Maddox,

Judge of Probate.

By Mr. Goodwyn:

H. 189. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Local Legislation.

By Mr. Howard:

H. 190. To amend Section 7245 of the Code of Alabama, 1907.

Revision of Laws.

By Mr. Fanning (By request):

H. 191. To provide a special privilege license on dealers in seines.

Ways, Means and Appropriations.

By Mr. Goodwyn:

H. 192. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

Public Health.

By Mr. Tiller:

H. 193. To amend Sections two, four, nine of an Act "To establish and provide for State-wide eradication of cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals," approved February 7th, 1919, as found in the General Acts of Alabama of 1919, pages 29 to 32 inclusive.

Agriculture.

By Mr. Posey (with notice and proof):

H. 194. To amend Section XV of an Act entitled an "Act to provide for establishing and holding Circuit Court at Haleyville, Winston County, Alabama; to fix the jurisdiction thereof, to

regulate proceedings therein; to provide officers and juries, both grand and petit, for holding said court and for the transaction of the business thereof, and to regulate their duties; to provide for a register and deputy register, or clerk, for the equity side of said court and to prescribe and regulate their duties," approved September 22nd, 1919.

Local Legislation.

Notice and proof H. 194:

NOTICE.

Notice is hereby given as provided by section one hundred and seven of the Constitution of the State of Alabama, of the intention to apply to the next Legislature of the State for the passage of an act in substance as follows:

A BILL

To be entitled an Act to amend section fifteen of an act entitled "an Act to provide for the establishing and holding of Circuit Court at Haleyville, Winston County, Alabama, to fix the jurisdiction thereof, to regulate proceedings therein, to provide officers and juries, both grand and petit, for holding said court and for the transaction of the business thereof, and to regulate their duties; to provide for a register and a deputy register or clerk for equity side of said court and to prescribe and regulate their duties," approved September 22, 1919.

Be it enacted by the Legislature of the State of Alabama:

Section 1. That Section XV of an act approved September 22, 1919, entitled "An Act to provide for establishing and holding Circuit Court at Haleyville, Alabama, to fix the jurisdiction thereof, to regulate proceedings therein, to provide officers and juries, both grand and petit, for holding said court and for transacting the business thereof, and to regulate their duties; to provide for a register and a deputy register, or clerk, for the equity side of said court and to prescribe and regulate their duties," be and the same is hereby amended so as to read as follows:

Section XV. "That the Jury Commissioners for Winston County shall provide a jury box for the Haleyville division of said court, and another different jury box for the Double Springs division of said court. That the jury box for the Haleyville division shall be kept at Haleyville, and the box for the Double Springs division shall be kept at Double Springs. That there shall be kept a separate jury roll for the names of the qualified jurors residing within the jurisdiction of the Double Springs division of said court. That the Jury Commissioners shall place on the jury roll and in the jury box of the Haleyville division only the names of the qualified jurors residing in precincts 2, 3, 10, and 11 in Winston County; that the Jury Commissioners of said county shall place on the jury roll and in the jury box of the Double Springs division of said court only the names of those qualified jurors residing in precincts 1, 4, 5, 6, 7, 8, and 9.

Section 2. That if for any cause or reason any section, clause or provision of this act shall be declared unconstitutional or invalid, it shall not be held to affect or invalidate any other section, clause or provision of this act, but the same shall be and remain in full force and effect.

The State of Alabama, }
Winston County. }

Before me, the undersigned authority in and for said County and State, personally appeared E. P. Lakeman, who, being by me first duly

sworn, deposes and says on oath: That he is the editor and publisher of the Haleyville Advertiser, a newspaper of general circulation published at Haleyville, in Winston County, Alabama, and that the foregoing and hereto attached notice was published in said Haleyville Advertiser for four successive weeks, namely: December 15th, 1922, December 22nd, 1922, December 29th, 1922, January 5th, 1923. Affiant further avers that the facts herein contained are within his own personal knowledge.

E. P. Lakeman.

Sworn to and subscribed before me this 19th day of January, 1923.

Chester Tubb,

Notary Public.

By Mr. Sollie:

H. 195. To repeal section 35 of an Act entitled an Act to regulate primary elections in the State of Alabama, enacted at the 1915 session of the Legislature of Alabama.

Privileges and Elections.

By Mr. Sollie:

H. 196. To prohibit any and all forms of amusements on Sunday where an admission fee is charged and to provide punishments for violation thereof, and to repeal all general, special or local laws in conflict therewith, and to repeal any part or parts of any Act or Acts creating City Commissions, in conflict with the provisions thereof.

Revision of Laws.

By Mr. Fite:

H. 197. To regulate the selling of gasoline at retail and to provide the punishment for the violation of this Act.

Public Roads and Highways.

MOTION TO RECONSIDER.

Mr. Tiller called up his motion to reconsider the vote by which the Bill H. 82 was ordered to a third reading and passage and on motion of Mr. Goode, the motion of Mr. Tiller was laid upon the table.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 53. To define chiropractic and the practice of chiropractic in the State of Alabama; to create a State Board of Examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees col-

lected by said board; to provide penalties and punishment for the violations and provisions of this Act; and to repeal all general and local laws, in so far as in conflict with this Act.

H. 123. To amend Section 7616 of the Code of Alabama of 1907.

H. 125. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

H. 177. To establish the State Board of Convict Supervisors in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of the said Board of Convict Supervisors and its members, to fix the terms of their office, salaries, compensation and the mode of payment.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with a substitute:

H. 139 (with substitute). To require the Judges of the Supreme Court to give their opinion upon the legality of amendments to the Constitution before the same are submitted to a vote of the people.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 66 (with amendment). To prohibit the having in possession, or use, or operation, of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced; and to prescribe penalties for violation thereof.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with a substitute:

H. 132 (with substitute). To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order in payment of any obligation or debt, with intent to defraud; to fix the punishment for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

H. 133 (with substitute). To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

H. 140 (with substitute). To amend Section 3793 of the Code of Alabama of 1907, and to amend an act of the Legislature of Alabama approved September 30th, 1919, entitled an act to amend an act of the Legislature of Alabama, entitled an act to amend Section 3795 of the Code of Alabama of 1907.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with an amendment:

H. 163 (with amendment). Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 105. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1,354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

Mr. Walton, Chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 153. To provide that the net earnings of a person wrongfully convicted and sentenced to the penitentiary may be refunded and to prescribe the method of procedure to such refund.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

S. 35. To amend an Act entitled "An Act to amend Sections 1408 and 1409 of the Code of Alabama," approved November 1st, 1921.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 48 (with amendment). To authorize any city or town in the State of Alabama, to purchase real property, or any interest in real property, for parks, or other authorized municipal purpose, on time or deferred payments, and to execute its interest bearing notes for the purchase price, and to secure payment to execute a mortgage or deed of trust on the property purchased; provided the indebtedness so incurred with other indebtedness of such city or town, does not exceed the indebtedness such city or town may incur under the provisions of the Constitution.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 92. To amend Section Six Thousand Nine Hundred Seventy-seven (6977) of the Criminal Code of Alabama, 1907.

H. 118. To amend Section Six Thousand Eight Hundred and Ninety-nine (6899), Chapter 219, of the Criminal Code of Alabama, 1907; and providing additional penalties therefor, and providing an informer's fee to be paid out of the fines assessed and collected.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with an amendment:

H. 117 (with amendment). To amend Section Six Thousand Nine Hundred and One (6901), Chapter 219, of the Criminal Code of Alabama, 1907, and providing an informer's fee where convictions are obtained by information so obtained.

H. 119 (with amendment). To amend Section Six Thousand Nine Hundred and Two, (6902), Chapter 219, of the Criminal Code of Alabama, 1907.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 26. To appropriate the sum of thirty-nine thousand and no/100 (\$39,000.00) dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 165 (with substitute). To provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 166. To amend Section 14, 15, 16 and 17 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction

of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama." Approved September 16, 1915.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 178. To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended.

BILLS REPORTED ADVERSELY.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

Mr. Grove, Chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 54. To amend Sections 6958 and 6965 of the Code of 1907 of Alabama.

H. 78. To protect wild fur-bearing animals and to provide penalties for the violation of this act.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 64. To authorize and empower railroads and common carriers to issue intra-state passes to the members of the State Tax Commission, its Secretary, and other regular designated agents or representatives of said Commission, when traveling on official business.

H. 69. To amend an Act of the Legislature of Alabama entitled "An Act to amend subdivision six (6) of Section 3793, of the Code of Alabama of 1907."

H. 122. To regulate the filing of demurrers in actions at law, equity or probate in all courts of the State of Alabama.

The above and foregoing bills were read a second time and placed upon the Adverse Calendar of the House.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Henley, in accordance with notice given the House on yesterday, called up his motion to take the bill:

H. 14. To provide that County Superintendents of Education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

From the Adverse Calendar of the House and place the said H. 14 on the Calendar of the House.

And the motion to take the bill, H. 14, from the Adverse Calendar of the House and place same on the regular calendar of the House for passage prevailed.

Yeas, 62; nays, 37.

Yeas:

Messrs:

Adams	Ferrell	Long	Sanders (Conecuh)
Adcock	Forman	Love	Sanders (Pike)
Allen	Glass	McGowen	Sessions
Arrington	Glover	Melton	Snodgrass
Blackwell	Goode	Moorer	Sollie
Bowen, L. K.	Guy	Moxley	Stewart (Bibb)
Boykin	Hall	Nichols	Stewart (Calhoun)
Burton	Hampton	Odom	Thompson (Etowah)
Byars	Hawkins	Parker	Thompson (Jackson)
Coleman	Henley	Pickens	Tiller
Cook	Henson	Powell	Tyson
Deloney	Hornsby	Ringer	Ware
Dickinson	Jeter	Rives	Williams
Dowdle	Kilpatrick	Rutherford	Wyatt
Elliott	Lee	St. John	Young
Fanning	Letson		

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Nays:

Messrs:

Mr. Speaker	Calloway	Embry	Grove
Ashcraft (Lauderdl.)	Cato	Fite	Hatter
Bealle	Christian	Gaines	Hodgson
Bowen, Lewis	Culver	Goodwyn	Howard
Burns	Cunningham	Graves	Howze

Jones	Rountree	Smith (Lee)	Walker
LeMaistre	Russell	Tunstall	Wall
Luck	Smith (Clay)	Varner	Walton
Norman	Smith (Jefferson)	Verner	Mrs. Wilkins
Patterson			

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And the bill:

H. 14. To provide that County Superintendents of Education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

Was read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Waddell:

S. J. R. 48. Resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet on Tuesday, the 30th day of January, 1923, at 2 o'clock P. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate Joint Resolution No. 48, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 24. Requesting the Highway Department to furnish the House and Senate certain information set out in said resolution.

And returns same herewith to the House.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House Joint Resolutions:

H. J. R. 14. Relative to a joint committee from the Senate and the House of Representatives to consider and recommend the per diem and mileage which members of recess committees shall receive.

Also:

H. J. R. 17. Relative to requesting the Alabama delegation in National Congress to oppose any effort to repeal any of the present Federal laws restricting immigration into the United States, and further requesting the Alabama Senators and Representatives to support all measures forbidding immigration until plans can be formulated for a definite plan for the protection of America against aliens who are not in sympathy with American ideals.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING RESOLUTIONS.

The Speaker of the House, in the presence of the House, signed the resolutions, the titles to which are set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

RECOMMITTAL OF BILLS.

On motion of Mr. Sessions, the bill, H. 6, to provide for the election of a County Superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the selection of his successor in office, was recalled from the Standing Committee on Education and recommitted to the Standing Committee on Local Legislation.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations returned to the House the following bills with the request that the same be recommitted to the Standing Committee on Revision of Laws:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

And:

H. 170. To amend Section 293 of an act entitled An Act to provide for the General Revenue of the State of Alabama, approved September 15, 1919.

And on motion of Mr. Ashcraft the above bills, H. 110 and H. 170, were recommitted to the Standing Committee on Revision of Laws.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and, as amended, has passed:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall the House concurred in and adopted the Senate amendment to the Bill H. 16, said Senate amendment being as follows:

Amend the bill by inserting between the word "of" and "three" in the second line of section 1, the words "the Lieutenant-Governor and," and also by inserting between the words "and" and "five" in the second line of section 1, the words "the Speaker of the House and" and also by inserting between the words "five" and "representatives" in the second line of section 1, the words "other."

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hodgson	Rives
Adams	Elliott	Howard	Russell
Adcock	Embry	Howze	St. John
Allen	Fanning	Jeter	Sollie
Ashcraft (Lauderdl.)	Ferrell	Jones	Tiller
Bealle	Fite	Lee	Tunstall
Blackwell	Gaines	Letson	Tyson
Bowen, Lewis	Glass	Long	Varner
Bowen, L. K.	Glenn	Love	Verner
Burns	Goode	Luck	Walker
Burton	Goodwyn	Melton	Wall
Byars	Graves	Moxley	Walton
Calloway	Guy	Odom	Ware
Cato	Hall	Parker	Mrs. Wilkins
Coleman	Hatter	Posey	Williams
Cook	Henley	Powell	Wyatt
Culver	Henson	Ringer	Young
Deloney			

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Foster:

S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Ways, Means and Appropriations, S. 84.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Adams:

S. J. R. 50. Resolved by the Senate, the House concurring, that the Budget Commission, together with the Joint Budget Committee, to sit during the recess be and hereby are instructed to consider plans for assessing an excise or privilege tax on power developed and distributed by hydro-electric plants and draw such bills as may be necessary to carry into effect such recommendations as they may make to the Legislature, and also to consider plans for the encouragement of new industries in the State.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 50, which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

REPORT OF RULES COMMITTEE.

Mr. Ashcraft of Lauderdale, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

Br. Mr. Culver:

H. J. R. 16. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legis-

lature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature, together with such suggested bills and resolutions as they may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

Also:

S. J. R. 43. Whereas, the Southern Forestry Congress will hold its Fifth Annual Convention in the City of Montgomery, Alabama, on January 29th-31st, inclusive:

Therefore, be it resolved by the Senate, the House concurring, that a Joint Resolution be passed inviting Hon. H. S. Graves, Professor of Yale School of Forestry; Henry E. Hardtner, a practical lumberman, and E. F. Allison, lumber king, to address

a joint session of the Legislature, the Governor and State officials of the State of Alabama, on January 30th, 1923, on the importance of reforestation of our State, and what it means to the State and Nation. The Commissioner of Conservation is hereby instructed to forthwith extend invitations to the above named gentlemen to be present on that date.

And he resolutions were adopted.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the House joint resolutions hereinafter mentioned, were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

January 26th, 1923, 12:45 P. M.

H. J. R. 14. Relative to a Joint Committee from the Senate and the House of Representatives to consider and recommend the per diem and mileage which members of Recess Committee shall receive.

Also:

H. J. R. 17. Relative to requesting the Alabama delegation in National Congress to oppose any effort to repeal any of the present Federal laws restricting immigration into the United States, and further requesting the Alabama Senators and Representatives to support all measures forbidding immigration until plans can be formulated for a definite plan for the protection of America against aliens who are not in sympathy with American ideals.

J. H. Stewart,
Clerk.

ADJOURNMENT.

Under a resolution heretofore adopted, the House adjourned until Tuesday, January 30th, at 2 o'clock P. M.

TENTH DAY.

House of Representatives,
Tuesday, January 30th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Richard Wilkinson of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Jones	Rutherford
Adams	Fanning	Kilpatrick	St. John
Adcock	Ferrell	Lee	Sanders (Pike)
Allen	Fite	LeMaistre	Sessions
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Fayette)	Gaines	Long	Smith (Jefferson)
Ashcraft (Lauderdl.)	Glass	Love	Smith (Lee)
Bealle	Glenn	Luck	Snodgrass
Blackwell	Glover	McGowen	Sollie
Bowen, Lewis	Goode	Melton	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Mooneyham	Stewart (Calhoun)
Boykin	Graves	Moorer	Thompson (Etowah)
Burns	Grove	Moxley	Thompson (Jackson)
Burton	Guy	Nichols	Tiller
Byars	Hall	Norman	Tunstall
Calloway	Hampton	Odom	Tyson
Cato	Hatter	Parker	Varner
Christian	Hawkins	Patterson	Verner
Coleman	Henley	Pickens	Walker
Cook	Henson	Poole	Wall
Culver	Hodgson	Posey	Walton
Cunningham	Hornsby	Powell	Ware
Deloney	Howard	Ringer	Mrs. Wilkins
Dickinson	Howze	Rives	Williams
Dowdle	Hubbard	Rountree	Wyatt
Dunwoody	Jeter	Russell	Young
Elliott			

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Ninth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Ninth Day was approved.

PRIVILEGES OF THE FLOOR.

Was extended to Hon. S. A. Lynne of Morgan County, a former member and Speaker of the last House of Representatives.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Coleman:

H. J. R. 27. Whereas, there lives within the borders of the State of Alabama an illustrious Democrat, statesman and patriot, who is worthy any honor that could be bestowed upon him, either State or national.

Therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, that we do hereby endorse Honorable Oscar W. Underwood, of Birmingham, Alabama, as our choice for President of the United States and urge that he be made the standard bearer of the next Democratic National Convention.

On motion of Mr. Coleman the rules were suspended and the resolution was adopted.

By Mr. Cunningham:

H. R. 28. Whereas, the people of the State of Alabama, by an overwhelming majority voted to amend Section Ninety-three (93) of the Constitution of Alabama, to permit the State of Alabama to engaged in work of developing its seaport at a cost of not exceeding Ten Million Dollars, and,

Whereas, this matter is of such vast importance to the people of Alabama, that the needs of seaport legislation should be studied and prepared by a committee separate and apart from the committees that now govern the House of Representatives.

Now, therefore, be it resolved by the House of Representatives, that a committee be created from the members of the House of Representatives to be known as "Rivers and Harbors Committee," to be composed of nineteen members of the House of Representatives to be selected by the Speaker of the House, who

shall also name one of the members to act as Chairman of said Committee, and said committee shall have one clerk.

On motion of Mr. Cunningham the rules were suspended and the resolution was adopted.

H. R. 29 by Rules Committee.

Resolved that the following bills be made continuing special order immediately after the reading of the Journal on the next legislative day:

By Mr. Grove (with substitute):

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest-bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

By Mr. Ware (with substitute):

H. 139. To require the Judges of the Supreme Court to give their opinion upon the legality of amendments to the Constitution before the same are submitted to a vote of the people.

By Mr. Ashcraft of Lauderdale (with amendment):

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

And the resolution was adopted.

On motion of Mr. Long five hundred copies of the above bills were ordered printed for the use of the members of the House.

By Mr. Long:

H. J. R. 30. Resolved by the House, the Senate concurring, that the Speaker of the House appoint three members of the House and the President of the Senate appoint two members of the Senate to comply with the Governor's request to look into the workings of the different official departments of the State.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Long:

H. J. R. 31. Resolved that, H. 165, to provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama, be made

a special order for next Legislative Day immediately after existing Special Orders.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. J. R. 32. Resolved that, H. 53, to define chiropractic and the practice of chiropractic in the State of Alabama; to create a state board of examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees collected by said board; to provide penalties and punishment for the violations and provisions of this Act; and to repeal all general and local laws, in so far as in conflict with this Act; be made a special order for 10:30 A. M., February 1st, 1923.

And the resolution was adopted, and two hundred and fifty copies were ordered printed for the use of the House.

By Rules Committee:

H. R. 33. Be it resolved by the House of Representatives, that the membership of the Committee on Education is hereby increased from twenty to twenty-one and that the Committee on Pensions and Soldiers' Homes is increased from thirteen to fourteen, and that the Speaker of the House be and is hereby authorized to appoint these additional members.

The rules were suspended and the resolution was adopted. And under the above resolution Mr. Christian was added to the Standing Committee on Pensions and Soldiers' Homes, and Mr. Posey was added to the Standing Committee on Education.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dickinson:

H. 198. To amend Section Two of an Act as amended by the Legislature of Alabama (1919 General Acts of the Legislature of Alabama) entitled an Act to define Dentistry to provide for the regulation of the practice thereof, to provide for the examination of applicants to practice dentistry in Alabama, to provide for the issuing of license certificates, the registration and display thereof, and to provide for reports by the Probate Judges of said registration.

Public Health.

By Mr. Poole:

H. 199. To amend Sections 3 and 8 of, and to add Section 4½ to an Act entitled "An Act to establish and provide for state-wide eradication of the cattle fever tick (*margaropus Annulatus*) and any other tick that shall be found to carry disease producing infection to cattle or any other domestic animals," approved February 7, 1919.

Agriculture.

By Mr. Poole (with notice and proof):

H. 200. To fix the salary of the deputy solicitor for Butler County, Alabama.

Local Legislation.

Notice and proof H. 200:

A BILL.

State of Alabama, }
Butler County. }

Notice is hereby given that application will be made in the Legislature of Alabama, at the 1923 session thereof, for the passage of the following Bill, to-wit:

A Bill To Be Entitled An Act to Fix the Salary of the Deputy Solicitor for Butler County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the salary of the Deputy Solicitor for Butler County, Alabama, be, and the same hereby is, fixed at the sum of Twelve Hundred Dollars (\$1200.00) per year, payable in monthly installments of One Hundred Dollars (\$100.00) per month, provided, however, that the said salary shall be paid from the fees earned by such solicitor in the county court, and should the said fees so earned in the county court be less than the sum of Twelve Hundred Dollars (\$1200.00) per year, then the salary of the Deputy Solicitor of Butler County, Alabama, shall be the fees earned in the county court of Butler County for the Calendar year.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act hereby are repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor.

State of Alabama, }
Butler County. }

Before me, J. S. Stockton, Register Circuit Court, in Equity in and for said County and State, this day personally appeared F. W. Stanley, known to me to be the Editor and Business Manager of the Greenville Advocate, a newspaper published in Greenville, Butler County, Alabama, who being by me duly sworn, deposes and says, that the attached notice to fix the salary of the Deputy Solicitor for Butler County, Alabama, was published once a week for four consecutive weeks in said newspaper before the making of this affidavit, to-wit, in Number 22 Volume LVIII, Number 24 Volume LVIII, Number 26 Volume LVIII, Number 28 Volume LVIII, and bearing dates 5th, 12th, 19th, 26th January, 1923, respectively.

F. W. Stanley.

Subscribed and sworn to before me this the 29th day of Jan., 1923.

J. S. Stockton,

(SEAL)

Register Circuit Court, in Equity.

By Mr. Poole:

H. 201. To provide for the care, use and investment of State Sinking Funds for the payment of State Bonds or other State obligations.

Ways, Means and Appropriations.

By Mr. Walton:

H. 202. To permit newspaper editors, publishers and employees of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the free use of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

Commerce and Common Carriers.

By Mr. Walton:

H. 203. To require all city and town governing authorities to make and publish the minutes of every regular or called meeting in some newspaper published in said city or town, showing all transactions had at said meeting and to provide penalties for the violation of this Act.

Municipal Organizations.

By Mr. Walton:

H. 204. To require the trustees of Insane Hospitals and other Eleemosynary Institutions owned by the State of Alabama, to make and publish a verified semi-annual report, of all receipts and disbursements, which publication to be made in one paper in every county of the State; showing what persons are receiving free homes, free lights and water, free servants at the expense of the State, free food or groceries, and what salary each superintendent, physician, or other employees of said institution are receiving; to provide the time when said publications are to be made; to provide payment for said publications; and to provide penalties for the violation of this act.

Public Health.

By Mr. Walton:

H. 205. To require the trustees of every State educational institution in the State of Alabama, to make and publish a verified semi-annual report of all receipts and disbursements, which publication to be made in one paper in every county in the State showing what persons are receiving free homes, free lights, and water, free servants, at the expense of the State, free food or groceries, and what salary each president, instructor or other employees of said institutions are receiving; to provide the time when said publications are to be made; to provide payment for said publications; and to provide penalties for the violation of this act.

Education.

By Mr. Walton:

H. 206. To require the Probate Judges of this State, to publish in some newspaper in their respective counties, the reports of the Examiner of Public Accounts, of all county officials whose books have been examined by such examiner; and to provide penalties for the violation of this act.

Claims and Fees.

By Mr. Walton:

H. 207. To amend Section 3317 of the Code of 1907, as amended by an act of the Legislature of Alabama approved Sept. 25, 1915.

Revision of Laws.

By Mr. Walton:

H. 208. To require all city and town governing authorities to make and publish annually in some newspaper published in their respective towns or cities, a report of all tax returns made in said town or city, specifying the names of persons making returns, and all property returned by them, both real and personal; to provide payment for said publications; and to provide penalties for the violation of this Act.

Municipal Organizations.

By Mr. Walton:

H. 209. To authorize the Governor of Alabama to publish in one newspaper in each county of the State, the reports of the Examiner of Public Accounts, of all State officials whose books have been examined by such examiner; and to provide compensation for such publications.

Revision of Laws.

By Mr. Walton:

H. 210. To require courts of county commissioners and boards of revenue to publish the minutes of their respective meetings in some newspaper in their counties, and to provide penalties for failure to do so.

Judiciary.

By Mr. Walton:

H. 211. To require all county boards of education in the State of Alabama to make and publish semi-annual statements of all receipts and disbursements; to provide the time when such publications are to be made; and to provide penalties for the violation of this act.

Education.

By Mr. Walton:

H. 212. To require all Tax Assessors in the State to publish annually in some newspaper published in their respective counties, a report of all tax returns made in his county, specifying the names of the persons making returns, and all property re-

turned by them, both real and personal; to provide payment for said publications; and to provide penalties for the violation of this Act.

Ways, Means and Appropriations.

By Mr. Walton:

H. 213. To require the Trustees of every State Educational Institution in the State of Alabama to publish the minutes of their respective meetings in one paper in every county in the State; to provide a mode for the payment of said publications, and to provide penalties for the violation of this act.

Education.

By Mr. Walton:

H. 214. To require the State Highway Commission to publish an itemized quarterly statement, in one paper in every county in the State of Alabama, showing all receipts and disbursements of money handled by them, and to provide penalties for the violation of this act.

Public Roads and Highways.

By Mr. Walton:

H. 215. To require all city and town governing authorities to make and publish an itemized quarterly statement in some newspaper published in said city or town, showing all receipts and disbursements, and to provide penalties for the violation of this act.

Municipal Organizations.

By Mr. Sollie:

H. 216. To prohibit the playing of baseball and the operation of moving picture shows and theaters on Sunday, and to provide penalties and punishments for violation hereof, and to repeal all laws and parts of laws, general, local or special, in conflict with the provisions hereof, and to fix the time when this Act shall become effective.

Revision of Laws.

By Mr. Tyson:

H. 217. To appropriate from the General Funds of the State of Alabama a sum sufficient to purchase a new State Flag and a new "Old Glory" to be flown from the flag-staff on the dome of the Capitol Building.

Public Buildings and Institutions.

By Mr. Tyson:

H. 218. To provide that certain convicts may devote a portion of their labor while in the penitentiary to the support of destitute dependents.

Penitentiary and Criminal Administration.

By Mr. Moxley:

H. 219. To provide that any bona fide citizen of this State who has been a resident thereof for a period of three years at the time of filing his application and who actually served as a soldier or sailor in the army or navy of the Confederate States of America, or of the State of Alabama, for or during the period of War Between the States, and who did not desert the service of the State of Alabama or the Confederate States, shall be entitled to be placed on the pension roll in Class Numbered Three and receive Sixteen Dollars quarterly; and to repeal all conflict-laws.

Pensions and Soldiers' Home.

By Mr. Parker:

H. 220. To amend an Act entitled "An Act to create a commission with authority and powers to act for and on behalf of the State of Alabama in acquiring by purchase or condemnation the building in the City of Montgomery, Alabama, commonly known and designated as the 'First White House of the Confederacy,' and also the land whereon said building rests or such other land as said commission may deem advisable, and to make appropriation for such purpose and for the maintenance and repair of such property," said Act having been approved September 26, 1919, and appearing in General Acts of Alabama of 1919 at page 736; to continue said Commission, to further prescribe its authority, powers and duties relative to the preservation of the building known as the "First White House of the Confederacy" as a Confederate museum, and to make adequate appropriation for the maintenance, repair, upkeep and a custodian of said property.

Pensions and Soldiers' Home.

By Mr. Howze:

H. 221. To authorize the increase of the capital stock or shares of building and loan associations organized under the laws of this State.

Corporations.

By Mr. Byars:

H. 222. To amend Sections 1, 4 and 7 of "An Act to regulate elections: To provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2, 1920.

Revision of Laws.

By Mr. Grove:

H. 223. To require all inspectors and persons engaged in the work of dipping cattle and other animals for tick eradication, in the State of Alabama, to give bonds for the faithful performance of their duties; to provide to whom said bonds shall be payable,

and to define the conditions of said bonds, and to provide penalties for violations of this Act.

Agriculture.

By Mr. Grove:

H. 224. To amend Section 28 of an Act approved April 22, 1911, entitled "An Act providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State; and fixing liability for persons riding therein, and providing penalties and punishment for violations of the provisions of said Act," as amended by Act of Legislature approved September 30, 1919, entitled "An Act to amend Sections 23, 24, 28, 29 and 33 of an act entitled 'An Act providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State; and fixing liability for persons riding therein and providing penalties and punishment for violations of the provisions of said Act, approved April 22, 1911.'"

Public Roads and Highways.

By Mr. Grove:

H. 225. To amend an Act entitled "An Act to authorize the Boards of Revenue or County Commissioners of the separate counties of the State of Alabama in their discretion to indemnify owners of cattle for injuries, damages or deaths caused by dipping such cattle in compliance with the laws of the State and with the rules and regulations of the State Live Stock Sanitary Board," approved September 30, 1919.

Agriculture.

By Mr. Forman (By request):

H. 226. To amend Sections 4, 5, and 6 of an act of the Legislature of Alabama of 1919, entitled an Act "To provide pensions for the soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and for their widows, and for the regulation of the payment thereof and to constitute and appoint a Pension Commission for the State of Alabama and prescribe its powers and duties," so as to read as follows:

Pensions and Soldiers' Home.

By Mr. Dowdle (with notice and proof):

H. 227. For the relief of Thomas J. Hale of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 and the interest thereon from July 1st, 1910, due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10. Whereas, the State High School Commission employed Thomas J. Hale, as principal of the County High School of

Pickens County, Alabama located in said county, to teach and conduct said school for the year 1909-10, at and for the sum of \$1,300 for the said year, and whereas the said Thomas J. Hale did perform the duties of principal of the said school for the said time, but the State paid him only eight hundred dollars of the said thirteen hundred dollars that it owed him for said services, and whereas the State of Alabama still owes the said Thomas J. Hale the balance of said contract price for said service, to-wit: the sum of five hundred dollars which has been due him since July 1st, 1910, and hence owes him also interest on said sum of five hundred dollars, therefore:

Ways, Means and Appropriations.

Notice and proof H. 227:

A BILL.

The following bill will be introduced at the next Legislature of Alabama:

"To be entitled an Act for the relief of Thomas J. Hale, of Reform, Pickens county, Alabama, to pay him the sum of \$500, and the interest thereon from July 1st, 1910, due him by a contract made with him by the State Board of Education, employing him as Principal of the Pickens County High School for the year 1909-10.

Whereas, the State Board of Education employed Thomas J. Hale as Principal of the County High School of Pickens County, Alabama, located at Reform, in said county, to teach and conduct said school for the year 1909-10, at and for the sum of \$1,300 for the said year; and whereas the said Thomas J. Hale did perform the duties of Principal of the said school for the said time, but the state paid him only eight hundred dollars of the said thirteen hundred dollars that it owed him for said services, and, whereas the State of Alabama still owes the said Thomas J. Hale the balance of said contract price for said service, to-wit: the sum of five hundred dollars, which has been due him since July 1st, 1910, and hence owes him also interest on said sum of five hundred dollars; therefore,

Section 1. Be it enacted by the Legislature of Alabama that the State of Alabama owes Thomas J. Hale five hundred dollars as principal, and interest thereon since July 1st, 1910, to-wit: five hundred dollars, making principal and interest one thousand dollars.

Section 2. Be it further enacted that the auditor be and is hereby required to draw a warrant on the State Treasurer of Alabama in favor of the said Thomas J. Hale for the said amount of one thousand dollars, payable out of any money in the State Treasury not otherwise appropriated."

Note: This is copy of the Youngblood Bill introduced in the Legislature some years ago. A copy is also in the State Archives at Montgomery.

PROOF OF PUBLICATION.

The State of Alabama, }
Pickens County. }

Before me, B. G. Robison, Judge of the Court of Probate for said County, personally appeared Ben I. Rapport, Publisher of Pickens County Herald, a newspaper published in said county, who, being by me first duly sworn, states that the attached notice has been regularly published once a

week for four consecutive weeks in said paper in issues dated as follows: December 28th, 1922, January 4th, 1923, January 11th, 1923, January 18th, 1923.

Ben. I. Rapport.

Subscribed and sworn to before me, this the 18th day of January, 1923.

B. G. Robison,
Judge of Probate.

By Mr. Sollie (By request) :

H. 228. To amend Section five (5) of an Act, approved September 30th, 1919 and entitled "An Act to fix the compensation of the several State executive officers, officers of department and boards, subordinate officers, clerks, watchman and Capitol servants." So as to fix the salaries of the chief clerk and stenographer in the office of the Secretary of State.

Ways, Means and Appropriations.

By Mr. Embry:

H. 229. To amend an Act to amend subdivision 6 of Section 3973 of the Code of Alabama.

Judiciary.

By Mr. Fanning (with notice and proof) :

H. 230. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

Notice and proof H. 230:

Local Legislation.

NOTICE

Notice is hereby given that the following bill will be introduced at the next session of the Legislature of Alabama in 1923 in substance as follows:

To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners with the regard to same, and to fix penalties for the violation of the rules, regulations and laws of the Court of County Commissioners.

Section 1. Be it enacted by the Legislature of Alabama; That the Court of County Commissioners of Walker County is invested with a general superintendence of the public roads, bridges and ferries within said county and may establish new, and change and discontinue old, roads, bridges and ferries of said County so as to render travel over the same as safe and convenient as practicable. To this end they are given Legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such Court; to build, construct, make, improve and main-

tain a good system of public roads, bridges and ferries in Walker County and regulate the use thereof, but no contract for the construction or repair of any public road, bridge or bridges shall be made where the payment of the contract price for such work shall extend over a period of more than ten years.

Section 2. That the Court of County Commissioners of Walker County, Alabama, is hereby given the right of eminent domain for the purpose of establishing and changing public roads, bridges and ferries in said County. Provided that when an appeal is taken from any assessment in condemnation proceeding brought by the County, such appeal shall not deprive the County obtaining the judgment of condemnation of right of entry for any and all purposes named in the condemnation proceeding provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less the double the amount of the damages assessed with good and sufficient sureties to be approved by the Clerk of the Court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain.

Section 3. All male persons in Walker County over the age of eighteen years and under the age of forty-five years shall be required to work the public roads five days each year; provided, however, that those persons furnishing a team or teams shall be required to work the public roads, in addition to the furnishing of team or teams, two and one-half days each year; provided further that the labor of such persons may be commuted by paying to the person appointed by the Commission to collect the money the sum of \$4.00 on or before the first day of April of each year; provided further that any person who has not paid his road tax by April 1st, within two days after being warned to work the roads in the manner hereinafter provided may commute the same by paying \$5.00; provided further that any male person who shall attain the age of eighteen years before July 1 of any year shall be liable to road duty as provided in this Section, but may commute the same by paying to the person appointed by the Commission to collect the money the sum of \$4.00 within two days after having been warned to work the roads in the manner hereinafter provided; and provided further, that any person who has lost an arm or leg, and all persons who are by nature or disease rendered incapable of hard labor who shall procure a certificate of such incompetency by the County Board of Health, are exempt from road duty.

Section 4. That the County Commissioners of their respective districts in the County of Walker shall be supervisor over the roads and bridges and ferries of his respective district subject to the control and direction of the Commissioner's Court as a whole; that it shall be the duty of each Commissioner immediately after the passage of this act and on or before March 1 of each year to obtain a list of the persons in his respective district subject to road duty and on or before the tenth day of March thereafter such Commissioner shall file with the Judge of Probate an alphabetical list of each of such persons within road age and subject to road duty from each beat in his district; that such list shall be open at all reasonable times for inspection by the public.

Section 5. That the Probate Judge shall immediately after the filing of the list of those subject to road duty as required in the preceding Section cause the same to be published in a newspaper published in said County and that the Commissioner's Court shall provide for the expense of such publication.

Section 6. That the County Commissioners of their respective districts shall collect all money due and paid by those subject to road duty in lieu of such road duty, and turn the same over to the County Treasurer and take his receipt for the same, provided that such Commissioners may

appoint assistants to collect said per capita road tax, but that such Commissioner shall be responsible for the acts of said assistant and may take bond from such assistant to protect such Commissioner from any loss such bond to be approved and filed with such Commissioner.

Section 7. That the Court of County Commissioners shall have authority to purchase such material, supplies, teams and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads and bridges of Walker County.

Section 8. The County Treasurer of said County shall immediately after the passage of this act and on or before the tenth day of January of each year thereafter prepare or cause to be prepared official road per capita tax receipts duly countersigned by him in books containing receipts with a stub attached to each receipt which said stub shall show the date and the person to whom each receipt is issued and the said stub and corresponding receipt shall each show the road district from which same is issued, and receipt book shall be furnished by said Treasurer to the County Commissioners of said County and said Treasurer shall require of said Commissioners receipts for said books of road tax receipts which receipts he shall retain for his use in making partial settlements with said Commissioner. All of said road per capita receipts shall be numbered consecutively and charged to the Commissioner obtaining same.

Section 9. It shall be the duty of such Commissioners of their respective districts of said County, where more than fifty persons reside in such precinct subject to road duty to make appointments at one stated public place in such precinct of their respective district at which time and place shall be present to receive said receipt for said per capita tax to persons desiring to pay the same in lieu of road duty; they shall give notice of such appointments by posting notices written or printed or partly written and partly printed, at not less than four public places in each of such precincts ten days before the date on which he will be present in said precinct, and they shall remain at their appointments in their respective districts from nine o'clock A. M., until three o'clock P. M. of said day. Provided such commissioners may have assistants to fill such appointments for the collection of said per capita tax as hereinbefore provided for.

Section 10. The Commissioners or their assistants, shall receipt for said per capita tax on receipts furnished to them for that purpose by the Treasurer of said County.

Section 11. That all moneys collected in lieu of road duty shall be credited to the precinct from which it was paid and shall be spent in said precinct for the working, and maintenance of the roads and bridges of such precinct and for no other purpose.

Section 12. The Commissioners shall make their final settlement with the County Treasurer at their first regular meeting of the County Commissioners in December of each year. At which time the Commissioners shall each also make a written report to the Court of County Commissioners stating the number of per capita receipts they received from the Treasurer of said County, the number of receipts issued by them, in lieu of road duty, during the current year, the names of those who have paid their road tax to them and each and every expenditure made, and to whom and to what purpose the same was paid and shall make separate reports for each beat of their respective districts and such report so far as the amount of money collected and paid to the County Treasurer and receipts obtained from the County Treasurer shall be certified by said County Treasurer of its correctness. Such reports shall be made in duplicate and one of such reports shall be filed with the Probate Judge of said County who shall immediately thereafter cause the same to be audited and publish-

ed in a newspaper published in said County; that such Commissioners shall also be required to make any other statements and reports relative to their official acts, they may be directed to make by the County Commissioners; that if any Commissioner failed to turn in any of said receipts which they do not account for in their report and which were not collected by them and paid to the County Treasurer the Court of County Commissioners shall charge them with the same; should either of such Commissioners fail to account for any money received by them from the County Treasurer to be spent in the respective beats from which said money was paid, the same shall be charged to such Commissioners and they shall be liable for the same. Such defaults or failures on the part of such Commissioners shall be certified to the judge of probate who shall immediately turn the same over to the Solicitor of said County and whose duty it will be to proceed for the collection of said amount, in the manner provided by law.

Section 13. That any Commissioner failing to make such reports as required of him in the preceding Section or to do or perform any of the duties required of him in this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten, or more than five hundred dollars and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than six months one or both at the discretion of the Court trying the cause.

Section 14. The County Commissioners in their respective districts shall place or cause to be placed suitable and plainly lettered sign boards at crossing of roads in their respective districts, shall measure or cause to be measured all public roads in their respective districts, and they shall prevent and remove any and all unnecessary obstructions of the public roads, and they shall institute prosecution against any person who obstructs the public road with fence or otherwise in their respective district.

Section 15. Any person occupying any part of a public road of said County with a fence or obstructing the same in any way shall remove such fence or other obstruction, immediately after the passage of this act, and failing to do so shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than five hundred dollars.

Section 16. Any person who issues any road receipts for per capita tax not official or not properly countersigned or any person using or issuing any per capita road receipt for some year other than the year from which it was intended or any person issuing any per capita road receipt when the amount due for same has not been properly paid shall be guilty of a misdemeanor, and shall be fined not less than ten or more than one hundred dollars.

Section 17. Any person who issues or caused to be issued a per capita road tax receipt in payment for or in part payment for work done on the public roads of said County or for material furnished for said road or bridges shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars.

Section 18. It shall be unlawful for any person to drive or ride faster than ten miles per hour across any road or bridge in said County, or to remove, deface or destroy any mile board or sign board on the public roads of said County, or to place or erect or cause to be erected or placed any telegraph pole or post at any point on said public road which may interfere with the proper working of the same, or for any person owning operating, controlling or managing any telephone or telegraph line to allow any telegraph or telephone wire or wires to hang across the public road of said County at a height of less than twelve feet above the public road and any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than one or more than fifty dollars.

Section 19. In the prosecution of any road defaulter or of any person of any offense obstructing the public road of said county or for any offence in violation of this act or any Section thereof it shall not be necessary to prove by the records in the County that it is a public road, but that proof may be made by oral testimony.

Section 20. The Court of County Commissioners of Walker county, may, at its discretion employ the convicts of said County and of any other County in working the public roads and bridges thereof under such rules and regulations as they may adopt.

Section 21. Any person, liable to road duty having been warned to work any of the public roads of Walker County, Alabama, who failed or refused to work or pay after having been warned may within five days render his excuse to the County Commissioner of County of the district of which such warning was given, or to his assistants for such precinct, and such excuse may be accepted by him as legal but if no excuse is offered or if offered is not accepted it shall be the duty of the said County Commissioner of the respective district to immediately have instituted criminal proceedings against the party or parties failing or refusing to work and they shall be proceeded against as road defaulters.

Section 22. The County Court of Justices of the Peace of Walker County, Alabama, shall have jurisdiction of all prosecutions arising under this act.

Section 23. The County Commissioners in their respective districts or their assistants shall warn all hands subject to road duty on the roads, giving them not less than two days' notice served upon the person or left at the place of residence and such hands shall bring such tools as the Commissioner or his assistants may designate and any person so warned who fails or refuses to work without good cause or legal excuse either in person or sending a substitute with the proper tools, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars for each day in default, nor more than fifty dollars, and such fine when imposed shall be paid into the road and bridge fund for the benefit of the precinct from which the defaulter is prosecuted.

Section 24. It is hereby made the duty of every person, firm or corporation, employing more than three men in said county to furnish on the application of the Commissioners or either of them, or their assistants, the names of every man in their employment, and to specify if known to them the place of residence and approximate age of every employed man. And upon failing or refusing to do so, such person, firm or corporation or its agent in charge of such business, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars, for every man in their employment whose name was not furnished said Commissioner or his assistant and such demand may be made not more than once each month.

Section 25. Eight hours shall be a days' work under this act.

Section 26. All written notices of warning to work on the public roads of Walker County shall be signed by the Commissioner or his assistants of their respective districts, but same may be served by any person appointed to do so by a Commissioner of the district of which the warning is to be given.

Section 27. The Commissioner of either of the said districts may in his judgment and discretion appoint an assistant or assistants when conditions are such that it would be economy to the County Road's funds to do so, but the said assistant shall not receive more than three dollars per day, to be allowed by the Court of County Commissioners of said County, for the time he is engaged in actual service in working or superintending the working of the public roads in said County. No assistant shall be ap-

pointed and no compensation shall be allowed to him by the Court of County Commissioners, except for the time he was actually engaged in such work. The Commissioners may employ as many overseers as they see fit when it is to the County's interest to do so. Such expense incurred under this Section shall be paid from the funds collected from the precincts wherein incurred.

Section 28. That each Commissioner shall enter into a bond of Five Thousand Dollars each with good and sufficient sureties conditioned for the faithful performance of his duties and for the accountability of all money coming into his hands in lieu of road duty or for any other purpose said bond to be approved by the Probate Judge of said County and filed with him. Such bond to be made and filed by the Present Commissioners within twenty days after the passage and approval of this act and failure to make such bond vacates his office. The expense of such bonds, if made by the bonding company, shall be paid by the county.

Section 29. No person elected to do road work under this act shall be required to work any public road more than six miles from his home.

Section 30. All funds received by the County from the hire of County Convicts and all funds that may be received from the State for and on account of the hire of convicts shall be deposited to the credit of the road and bridge fund of the county and shall be used for the construction and maintenance of the roads and bridges of the County, and for no other purpose.

Section 31. The Commissioners of their respective districts or their assistants, with their consent, may apportion the hands to work on the respective roads of the precincts and designate what roads are to be worked, and all roads used by the public should be maintained and worked so far as practicable to do so but such Commissioner shall take into consideration the importance of such road and the use thereof by the public in the working and maintaining of such road.

Section 32. The Court of County Commissioners of Walker County may contract the maintenance or upkeep of any graded road of the county requiring the contractor to give bond double the amount of the contract price for the faithful performance of such contract.

Section 33. Each Commissioner of Walker County shall be paid the sum of \$5.00 per day for each day's work performed by him, but shall not be allowed mileage to and from said Court provided that no Commissioner shall receive in any one year more than fifteen hundred dollars.

Section 34. The Commissioner's Court shall be empowered to make such rules and regulations as to road improvement not inconsistent with this act, as may be necessary to comply with any law of the State or Federal Government extending State or Federal Aid.

Section 35 A. That there is hereby levied, fixed, imposed and to be paid 2c per gallon on all gasoline, kerosene, naphtha or other motor fuel used, sold or purchased in Walker County, Alabama, for the purpose of propelling motor vehicles of any kind over, along or across any of the public roads of said County, which amount when collected shall go into the road and bridge for said County and used exclusively for the working, maintaining and building of roads and bridges in said County.

Section 35 B. That each and every retail dealer in said County, shall pay to the County Treasurer of said County the sum of two cents on each and every gallon of gasoline, naphtha or other motor fuel or kerosene, sold by them to persons for the purpose of operating motor vehicles in said County or for any other purpose, the same to be paid on or before the tenth day of each month for all sold the previous month; and that such retail dealer shall furnish to the County Treasurer on or before the tenth of each month the amount of gasoline or kerosene sold by him for any pur-

pose during the previous month, and the person, firm or corporation from whom he purchased such gasoline or kerosene.

Section 35 C. That each person, firm or corporation engaged in selling gasoline or kerosene, naphtha or other motor fuel to retail dealers shall file with the Treasurer of Walker County, Alabama, a statement of the amount of such gasoline or kerosene sold or delivered by it or them and the name and address of the person, firm or corporation to whom such sales were made, which statement must be filed not later than the tenth day of each month, showing the amount so sold or delivered the previous month.

Section 35 D. That any person, firm or corporation who violates any of the provisions of the two preceding sections shall be guilty of a misdemeanor and shall be fined for each such violation not less than ten dollars nor more than five hundred dollars, and all of such fines shall go into the road and bridge fund for said County.

Section 35 E. That it shall be the duty of the County Commissioners of their respective districts to see that the provisions of Section 35 A to 35 D be enforced and to start proceedings for the collection of such amounts due under said provisions and to institute Criminal Proceedings against any one who fails to comply with the requirements thereof.

Section 36. If any section or provision of this act shall be declared void or unconstitutional it shall not effect or destroy the validity or constitutionality of any other section or provision which is not in and of its self void or unconstitutional.

Section 37. That this act shall become effective upon its approval by the Governor.

Section 38. That all laws and parts of laws, local, general and special in conflict with this act be and the same are hereby repealed.

Chas. H. Fanning,

James B. Powell,

Representatives Elect from Walker County, Alabama.

January 2, 1923.

To the Voters of Walker County Alabama:

We are having published in The Mountain Eagle of this week a proposed road law for Walker County. It is no easy matter to frame a road law to meet every requirement for the working and maintaining of the roads of the County. We have advised with many of the leading citizens of the County and have their approval of the proposed Road Law which we are publishing in this week's paper. We would be glad to have suggestions from any person interested in the Road Law of the County and to have these suggestions in writing addressed to us at Jasper, Alabama, as to any changes or suggestions that would be beneficial.

Respectfully,

Chas. H. Fanning,

James B. Powell,

Representatives Elect from Walker County, Alabama.

State of Alabama, }

Walker County. }

Before me, a notary public, in and for said State and County, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker county, Alabama, who being duly sworn, says that the attached "Notice" was published in said The Mountain Eagle for four consecutive weeks, as follows, Jan. 3rd, Jan. 10th, Jan. 17th, and Jan. 24th, 1923.

L. S. Richardson,

Publisher.

Sworn to and subscribed before me, this 25th day of January, 1923.

(Seal)

W. E. Barrett,

Notary Public.

By Mr. Fanning (with notice and proof):

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Local Legislation.

Notice and proof H. 231:

NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of an act to repeal the act of the Legislature of Alabama, approved February 15th, 1919, together with the amendment of said Act approved Sept. 23rd, 1919, said Act of the Legislature as so amended reading as follows:

An Act, to create a County Highway Commission for Walker County, Alabama and to define the powers and duties thereof.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That a County Highway Commission for Walker County to consist of three members, who shall be freeholders and residents in said county is hereby created and established. The Governor shall designate the member to be Chairman of the said Commission. One member of the Commission shall hold office for two years, and until his successor is appointed and qualified, one member shall hold office for four years and until his successor is appointed and qualified; and one member shall hold office for six years and until his successor is appointed and qualified. Provided further that the two members of the Commission now serving shall continue to hold office until the expiration of their terms and until their successors are appointed and qualified. Provided further that the members of the Commission to be appointed under this section shall hold office for a term ending six years from the date of the approval of this amendment and until his successor is appointed and qualified. All vacancies occurring in said Commission shall be filled by the appointment of the Governor. Each member of the Commission shall hold office until his successor shall be appointed and qualified. Upon the approval of this amendment the Governor shall appoint the third member of said Commission as herein provided for. The Governor may at his discretion appoint two assistant Highway Commissioners, each of whom may exercise the same powers and authority as any one of the Commission and discharge the same duties.

Section 2. The members of the Highway Commission shall receive no compensation for their services but shall be paid all their actual expenses necessarily incurred in the prosecution of their duties. They shall be paid by County Treasurer out of the road and bridge fund of the County upon warrants issued by the Chairman of the County Highway Commission.

Section 3. The County Highway Commission is invested with the general superintendence of the public roads in Walker County and may establish new and change and discontinue old roads, and shall improve and maintain the public roads, bridges and ferries of said county so as to render travel over same as safe and convenient as practicable. To this end they are given legislative, executive and judicial power. They may establish, promulgate and enforce new rules, regulations and laws not inconsis-

tent with this act, which are necessary to make, improve and maintain a good system of public roads, bridges and ferries in said County and regulate the use thereof.

Section 4. The said County Highway Commission is hereby given all the authority and power given to Courts of County Commissioners with reference to public roads, bridges and ferries by Chapter 135 of the Code of Alabama 1907.

Section 5. With the consent of the Court of County Commissioners the County Highway Commission may hire out to contractors for work on the public roads all county convicts. Nothing herein contained shall be construed as depriving the Court of Commissioners of supervision of the convicts hired on the public roads, but such court shall have and exercise such supervision and shall be charged with the same duties as to such convicts as now provided by law, and shall prescribe the forms of contracts and bonds to be made and given for the hire of convicts on said roads.

Section 6. The Chairman of the Commission shall keep or cause to be kept full and accurate minutes of the meetings, and of all things done at such meetings of the County Highway Commission in a well bound record book, to be paid out of the road and bridge fund, which shall be one of the public records of the county, and be kept in the office of the Probate Judge of said County. County Highway Commission shall also have prepared at the expense of the road and bridge fund a book of warrants which warrants shall have stubs to be left in the warrant book. For all expenditures on account of the road and bridge fund the Chairman of the Commission shall draw warrants which shall state the name of the person in whose favor the warrant is drawn, and the amount thereof and the account for which it is drawn, and the stub shall contain a like statement. When presented to the County Treasurer such warrants shall be paid by him out of the road and bridge fund. When not being actually used by the Commission such books or warrants shall be in the custody of the Probate Judge. The Commission shall make a sworn, detailed statement at least once every six months of all warrants drawn on the road and bridge fund to whom and for what account paid, which statement shall be filed in the office of the Probate Judge and be open to public inspection. Reasonable compensation may be paid for clerical help for keeping the minutes of the meetings and for other clerical work which this Act requires the Chairman of the Commission to do.

Section 7. If an appeal is taken under section 5776 of the code, then the County Highway Commission, upon the deposit into court for the party whose land is sought to be condemned, of the amount of the damages and compensation so assessed, to either with the cost of the proceeding, shall be entitled to enter upon the land so condemned, and survey and use the same, provided, however, that the easements shall not vest absolutely until final determination of the cause, and the payment or deposit into court of such damages and compensation as shall then be adjudged.

Section 8. The members of the Commission shall, before entering upon the duties of the office, take an oath to be administered by the Probate Judge, to faithfully perform the duties of the office.

Section 9. The said County Highway Commission shall be vested with all the power, authority and duties now conferred by law upon the Court of County Commissioners with reference to every matter relating in any way to the construction, maintenance, improvement and repair of roads, bridges, and ferries, including the right to order elections for the issuance of bonds, and the power and right to sell and issue any bonds that have heretofore been authorized, as required by law, but which have not been sold and issued.

Section 10. That an Act entitled "An Act to better provide for establishing, working and maintaining the public roads and bridges of Walker county, Alabama, approved March 1, 1901, and also an act entitled an Act to amend an Act entitled an Act to better provide for establishing, working and maintaining the public roads of Walker County, Alabama, approved March 1, 1901, and approved March 6, 1903, and shall be and are hereby repealed.

Section 11. That all laws in conflict with this Act local, general and special, in so far as they pertain to Walker County, Alabama, be, and the same are hereby repealed.

Given under my hand on this the 20th of December, 1922.

Charles H. Fanning,

Representative of the Legislature from Walker County.

State of Alabama, }

Walker County. }

Before me, a notary public in and for said State and county, personally appeared L. S. Richardson, publisher of The Mountain Eagle a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn, says that the attached "Notice" was published in The Mountain Eagle for four consecutive weeks, as follows: Dec. 27th, 1922, Jan. 3rd, Jan. 10th and Jan. 17th, 1923.

L. S. Richardson,

Publisher.

Sworn to and subscribed before me, this 25th day of January, 1923.

W. E. Barrett,

(Seal)

Notary Public.

By Mr. Fite:

H. 232. To submit to the qualified electors of the State an Amendment to the Constitution of Alabama further regulating and providing for the qualifications of electors.

Judiciary.

By Mr. Tunstall:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two Houses of the Legislature.

Rules.

By Mr. Fite:

H. 234. To amend Section 2069 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Norman:

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

Revision of Laws.

REPORT OF STANDING COMMITTEES.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on

the following bill and ordered same returned to the House with a favorable report:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Mr. Smith of Lee, Acting Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama, by the qualified voters of said county.

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama, and to prescribe the areas included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary line and to describe the area included in the city limits for school purposes and as a school district composed of the City of Talladega, Alabama.

H. 6. To provide for the election of a county superintendent of education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

H. 179 (with amendment). To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal Census; or which shall have such population according to any such census that may be hereafter

taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payment for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

Mr. C. W. Ashcraft, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

H. 34. For the relief of George W. Courson, former constable of Precinct 9, Jefferson County, Alabama.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

JOINT SESSION.

Under a Joint Resolution heretofore adopted, the two Houses met in Joint Session to hear the addresses of certain members of the Southern Forestry Association, which had been invited to address the members of the two Houses.

The Joint Session was called to order by Hon. C. S. McDowell, Lieutenant Governor, who directed the Secretary of the Senate to call the roll of the Senate and the following Senators answered to their names:

Messrs:			
Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slope
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

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The Speaker of the House directed the Clerk of the House to call the roll of the House and the following members answered to their names:

Messrs:			
Mr. Speaker	Elliott	Kilpatrick	St. John
Adams	Embry	Jones	Sanders (Pike)
Adcock	Fanning	Lee	Sessions
Allen	Ferrell	LeMaistre	Smith (Clay)
Arrington	Fite	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Forman	Long	Smith (Lee)
Ashcraft (Lauderdl.)	Gaines	Love	Snodgrass
Bealle	Glass	Luck	Sollie
Blackwell	Glenn	McGowen	Stewart (Bibb)
Bowen, Lewis	Glover	Melton	Stewart (Calhoun)
Bowen, L. K.	Goode	Mooneyham	Thompson (Etowah)
Boykin	Goodwyn	Moorer	Thompson (Jackson)
Burns	Graves	Moxley	Tiller
Burton	Grove	Nichols	Tunstall
Byars	Guy	Norman	Tyson
Calloway	Hall	Odom	Varner
Cato	Hatter	Parker	Verner
Christian	Hawkins	Patterson	Walker
Coleman	Henley	Pickens	Wall
Cook	Henson	Poole	Walton
Culver	Hodgson	Powell	Ware
Cunningham	Hornsby	Rives	Mrs. Wilkins
Deloney	Howard	Rountree	Williams
Dickinson	Howze	Russell	Wyatt
Dowdle	Hubbard	Rutherford	Young
Dunwoody	Jeter		

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Being a quorum of the House.

The Joint Session of the Legislature was addressed by
Hon. J. G. Peters, of Washington, D. C.
Hon. M. L. Alexander, of Louisiana.
Hon. Henry E. Heartnet, of Louisiana.
on the subject of Conservation.
The purpose of the Joint Session having been accomplished,
the Senate retired to its chamber.

RECOMMITTAL OF BILL.

On motion of Mr. Ashcraft of Lauderdale the bill, H. 166, to amend Sections 14, 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920, was recommitted to the Standing Committee on Judiciary.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Howze, the bill, H. 30, to amend section 6032 of the Code of Alabama, was indefinitely postponed.

RECOMMITTAL OF BILL.

On motion of Mr. Ferrell, H. 152, to create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama, by the qualified voters of said county, was taken from the Calendar and recommitted to the Standing Committee on Local Legislation.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by

Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same: January 30th, 4:00 P. M.

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 20. To repeal section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

Was read a third time at length and passed.

Yeas, 83; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cook	Goode	Lee
Adams	Culver	Grove	LeMaistre
Adcock	Cunningham	Hampton	Letson
Allen	Dickinson	Hatter	Long
Bealle	Dowdle	Hawkins	Love
Blackwell	Dunwoody	Henley	Luck
Bowen, Lewis	Elliott	Henson	McGowen
Bowen, L. K.	Embry	Hodgson	Melton
Boykin	Fanning	Hornsby	Mooneyham
Burns	Ferrell	Howze	Moorer
Burton	Forman	Hubbard	Moxley
Calloway	Gaines	Jeter	Nichols
Cato	Glass	Jones	Norman
Coleman	Glover	Kilpatrick	Odom

Parker	Rountree	Snodgrass	Varner
Patterson	Russell	Sollie	Wall
Poole	Sanders (Pike)	Stewart (Calhoun)	Ware
Posey	Sessions	Thompson (Etowah)	Williams
Powell	Smith (Clay)	Thompson (Jackson)	Wyatt
Ringer	Smith (Jefferson)	Tiller	Young
Rives	Smith (Lee)	Tyson	

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And the bill was ordered sent to the Senate without engrossment.

S. 9. To amend Section 6032 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 75; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	LeMaistre	Sessions
Adams	Dunwoody	Letson	Smith (Clay)
Adcock	Embry	Love	Smith (Jefferson)
Allen	Fanning	Luck	Smith (Lee)
Bealle	Forman	McGowen	Snodgrass
Blackwell	Gaines	Melton	Sollie
Bowen, Lewis	Glass	Moorer	Stewart (Bibb)
Bowen, L. K.	Glenn	Moxley	Stewart (Calhoun)
Boykin.	Glover	Nichols	Thompson (Etowah)
Burns	Grove	Odom	Tiller
Burton	Henley	Parker	Tyson
Byars	Hodgson	Patterson	Verner
Cato	Hornsby	Pickens	Wall
Christian	Howze	Poole	Walton
Cook	Hubbard	Posey	Ware
Culver	Jeter	Ringer	Mrs. Wilkins
Cunningham	Jones	Rountree	Williams
Deloney	Kilpatrick	Russell	Wyatt
Dickinson	Lee	Sanders (Pike)	Young

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MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the appointment of a joint committee to examine into the accounts and work of the Highway Department.

Respectfully,

A. L. Tyson,

Private Secretary to the Governor.

January 30th, 1923.

MESSAGE TO THE HOUSE OF REPRESENTATIVES.

I am in receipt of a communication from Hon. W. S. Keller, State Highway Engineer, requesting that I, as Governor, ask the Legislature to appoint a special committee to examine fully into the accounts and the work of the Highway Department and that the United States Government be requested to have one or more representatives to sit with your committee. I concur in and approve the request.

I, therefore, recommend that the Legislature appoint a joint committee in the House and in the Senate, of any number deemed advisable by

the Legislature, and that one or more representatives of the United States Government, engaged in joint effort with the State to construct and improve post roads and highways, be requested to sit with your committee. As many of the projects of the State highways have to be approved by representatives of the Federal Government in order to obtain aid from the Federal Government, I deem it very proper that the Federal Government should be informed as to how its money is being expended on the public roads, bridges and highways in this State.

I, therefore, request that the Legislature pass a joint resolution providing for the joint committee from the two Houses, with an invitation to representatives of the Federal Government to sit with the committee, in accordance with the request of the State Highway Engineer.

Respectfully,

Wm. W. Brandon,
Governor.

January 30, 1923.

The Governor's message, after being read at length by the Clerk, was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

S. 71. To amend Section five (5) of an act, approved September 25, 1915, and entitled, "An act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 71.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended, has passed:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the Senate amendment to the Bill H. 5, said Senate amendment being as follows:

Amend the bill by striking out the words "January 1st" and inserting in lieu thereof the words "March 31st."

Yeas, 63; nays, 22.

Yeas:

Messrs:

Mr. Speaker	Ferrell	LeMaistre	Sessions
Adcock	Gaines	Long	Smith (Clay)
Allen	Glass	Love	Smith (Lee)
Ashcraft (Fayette)	Glenn	Luck	Snodgrass
Ashcraft (Lauderdl.)	Glover	McGowen	Stewart (Calhoun)
Blackwell	Goode	Melton	Thompson (Etowah)
Burns	Guy	Mooneyham	Tiller
Cato	Hall	Moorer	Tunstall
Christian	Hampton	Moxley	Varner
Coleman	Henley	Nichols	Verner
Cook	Hodgson	Norman	Wall
Culver	Howard	Parker	Walton
Dickinson	Hubbard	Patterson	Ware
Dowdle	Jones	Poole	Wyatt
Dunwoody	Kilpatrick	Rountree	Young
Elliott	Lee	St. John	

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Nays:

Messrs:

Bowen, Lewis	Fite	Posey	Smith (Jefferson)
Bowen, L. K.	Forman	Ringer	Stewart (Bibb)
Boykin	Grove	Rives	Thompson (Jackson)
Byars	Henson	Russell	Tyson
Deloney	Jeter	Sanders (Pike)	Mrs. Wilkins
Fanning	Letson		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Carlton:

S. J. R. 53. Be it resolved by the Legislature of Alabama: That the members of the Senate and House of Representatives of the State of Alabama recognizes in the efforts of Mr. E. F. Allison, of Bellamy, Sumter County, Alabama, in the preservation of the wild game of the State, a service which placed the State and its people under obligation to his efforts and do hereby convey to Mr. Allison their appreciation of said service; and that this resolution be made a part of the records of the Senate and the House, and a copy of said resolution be furnished him.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution set out in the above and foregoing message from the Senate was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Foster:

By Mr. Foster:

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

By Mr. McNeil:

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Education, S. 47.

Judiciary, S. 85.

BILLS ON THIRD READING.

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

Was read a third time at length and passed.

Yeas, 91; nays, 2.

*Yeas:**Messrs:*

Mr. Speaker	Dunwoody	Kilpatrick	Smith (Clay)
Adams	Fanning	Lee	Smith (Jefferson)
Adcock	Ferrell	LeMaistre	Smith (Lee)
Allen	Fite	Letson	Snodgrass
Ashcraft (Fayette)	Forman	Love	Sollie
Ashcraft (Lauderdl.)	Gaines	Luck	Stewart (Bibb)
Bealle	Glass	McGowen	Stewart (Calhoun)
Blackwell	Glenn	Melton	Thompson (Etowah)
Bowen, Lewis	Glover	Mooneyham	Thompson (Jackson)
Bowen, L. K.	Goode	Moorer	Tiller
Boykin	Goodwyn	Nichols	Tunstall
Burns	Grove	Odom	Tyson
Burton	Hall	Parker	Varner
Byars	Hampton	Patterson	Verner
Calloway	Hatter	Pickens	Walker
Cato	Henley	Poole	Wall
Christian	Henson	Posey	Walton
Coleman	Hodgson	Ringer	Ware
Cook	Howard	Rives	Mrs. Wilkins
Culver	Howze	Rountree	Williams
Cunningham	Hubbard	Russell	Wyatt
Deloney	Jeter	St. John	Young
Dowdle	Jones	Sessions	

—91

Nays: Messrs. Moxley and Sanders (Pike)—2.

And the bill H. 45 was ordered sent forthwith to the Senate without engrossment.

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas, 84; nays, 4.

*Yeas:**Messrs:*

Mr. Speaker	Cunningham	Guy	Moxley
Adams	Deloney	Hampton	Nichols
Adcock	Dowdle	Hatter	Norman
Allen	Dunwoody	Henley	Odom
Arrington	Elliott	Henson	Patterson
Ashcraft (Fayette)	Fanning	Hodgson	Pickens
Bealle	Ferrell	Howard	Poole
Blackwell	Fite	Hubbard	Posey
Bowen, Lewis	Forman	Jones	Ringer
Boykin	Gaines	Kilpatrick	Rives
Burns	Glass	Lee	Rountree
Burton	Glenn	LeMaistre	Russell
Byars	Glover	Letson	Rutherford
Calloway	Goode	Long	St. John
Cato	Goodwyn	Love	Sanders (Pike)
Cook	Graves	Mooneyham	Sessions
Culver	Grove	Moorer	Smith (Jefferson)

Smith (Lee)	Thompson (Etowah)	Tyson	Ware
Snodgrass	Thompson (Jackson)	Verner	Williams
Sollie	Tiller	Wall	Wyatt
Stewart (Calhoun)	Tunstall	Walton	Young

—84

Nays:

Messrs:

Bowen, L. K.	Dickinson	Hawkins	Stewart (Bibb)
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—4

And the bill H. 136 was ordered sent forthwith to the Senate without engrossment.

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

Was read a third time at length and passed.

Yeas, 81; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jeter	Rives
Adams	Glass	Jones	Russell
Adcock	Glenn	Lee	St. John
Allen	Glover	Letson	Sessions
Arrington	Goode	Long	Smith (Lee)
Bealle	Goodwyn	Love	Snodgrass
Blackwell	Graves	Luck	Sollie
Burns	Grove	McGowen	Tiller
Burton	Guy	Melton	Tunstall
Byars	Hall	Moorer	Tyson
Cato	Hampton	Moxley	Varnier
Cook	Hatter	Nichols	Verner
Culver	Hawkins	Norman	Walker
Deloney	Henley	Odom	Wall
Dowdle	Henson	Parker	Walton
Elliott	Hodgson	Pickens	Ware
Embry	Hornsby	Poole	Mrs. Wilkins
Fanning	Howard	Posey	Williams
Ferrell	Howze	Powell	Wyatt
Fite	Hubbard	Ringer	Young
Forman			

—81

And the bill H. 155 was ordered sent forthwith to the Senate without engrossment.

H. 62. To amend an act approved September 5th, 1919, entitled "An act to further extend the power and authority of Boards of Revenue of counties having a population of more than

one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Was taken up. Mr. Lewis Bowen offered the following amendment to the bill:

Amend H. 62 by striking therefrom the words "One Hundred Thousand" wherever they appear in the title and in the bill and inserting in lieu thereof the words "Two Hundred Thousand."

And the amendment was adopted.

Yeas, 81; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Letson	Rutherford
Adams	Goode	Long	St. John
Adcock	Graves	Love	Sessions
Allen	Grove	Luck	Smith (Jefferson)
Bowen, Lewis	Guy	Melton	Smith (Lee)
Bowen, L. K.	Hall	Moorer	Snodgrass
Boykin	Hampton	Moxley	Sollie
Burns	Hatter	Nichols	Tiller
Burton	Hawkins	Norman	Tunstall
Byars	Henley	Odom	Tyson
Cato	Henson	Parker	Varner
Cook	Hodgson	Patterson	Verner
Culver	Hornsby	Pickens	Walker
Embry	Howard	Poole	Wall
Fanning	Howze	Posey	Walton
Ferrell	Hubbard	Powell	Ware
Fite	Jeter	Ringer	Mrs. Wilkins
Forman	Jones	Rives	Williams
Gaines	Lee	Rountree	Wyatt
Glass	LeMaistre	Russell	Young
Glenn			

—81

And the bill:

H. 62. To amend an act approved September 5th, 1919, entitled, "An act to further extend the power and authority of boards of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and em-

power all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

As amended, was read a third time at length and passed.

Yeas, 81; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	Rutherford
Adams	Fanning	Lee	Sanders (Pike)
Adcock	Ferrell	LeMaistre	Sessions
Allen	Fite	Letson	Smith (Jefferson)
Arrington	Forman	Long	Smith (Lee)
Bealle	Gaines	Love	Snodgrass
Blackwell	Glass	Luck	Sollie
Bowen, Lewis	Glenn	McGowen	Tiller
Bowen, L. K.	Glover	Melton	Tunstall
Boykin	Goode	Mooneyham	Tyson
Burns	Goodwyn	Odom	Vарner
Burton	Graves	Parker	Verner
Byars	Grove	Pickens	Walker
Cato	Guy	Poole	Wall
Christian	Hall	Posey	Walton
Coleman	Henley	Powell	Ware
Deloney	Hornsby	Ringer	Mrs. Wilkins
Dickinson	Howard	Rives	Williams
Dowdle	Howze	Rountree	Wyatt
Dunwoody	Jeter	Russell	Young
Elliott			

—81

And the bill H. 62 was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 56. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet at 10 o'clock A. M. tomorrow, Wednesday, January 31, 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate Joint Resolution which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 46. Resolved by the Senate, the House concurring, That the Legislative Code Committee, as an additional duty during the legislative recess, be required to investigate the condition of the Capitol building and ascertain the need of any external or internal improvements, extensions or enlargements thereof.

Resolved further, that said committee report the result of its investigations upon the re-convening of this Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution which is set out in the above and foregoing message from the Senate was read one time and referred to the Standing Committee on Rules.

BILL ON THIRD READING.

H. 177. To establish the State Board of Convict Supervisors in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of the said Board of Convict Supervisors and its members, to fix the terms of their office, salaries, compensation and the mode of payment.

Was taken up. Mr. Verner offered the following substitute for the bill:

A BILL.

To be entitled an Act to amend an act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board," approved February 13, 1919, be amended so as to read as follows: The Board heretofore known and called "State Board of Control and Economy" shall from and after the passage of this

act be known and called "State Board of Convict Supervisors."

Section 2. The powers, duties, jurisdiction and obligations now conferred upon the said State Board of Control and Economy and upon the Board of Convict Inspectors and upon the President of the Board of Convict Inspectors are hereby conferred upon the State Board of Convict Supervisors, subject, however, to the provisions and limitations of this act.

Section 3. That the State Board of Convict Supervisors shall consist of two members to be appointed by the Governor, one of whom the Governor shall designate as President and the other as Associate Member. The members of the Board shall hold office at the will of the Governor and be subject to removal by him at his discretion when, in his opinion, the public good requires it. In case of a vacancy on the Board, from any cause whatsoever, the Governor shall appoint another President or Associate Member of the Board, as the case may require. The salary of the President of said Board shall be fixed by the Governor at any amount not exceeding \$6,000 per annum and the salary of the Associate Member of the Board shall be fixed by the Governor at an amount not exceeding \$5,000 per annum to be paid in monthly installments, as other officers of the State are paid, and as now provided by law.

Section 4. That each member of the Board shall give bond in the sum of Twenty-five Thousand Dollars (\$25,000) payable to the State of Alabama, conditioned faithfully to perform his official duties and account for all moneys and properties coming into his hands by virtue of his office. The bond shall be executed by an authorized surety company, and must be approved by the Governor. The premium on the bond shall be paid by the State. Each member of the Board shall devote his whole time to his official duties and shall hold no other lucrative position while a member of the Board of Convict Supervisors.

Section 5. That the terms "the Board" or "The Board of Convict Supervisors," when used in this act shall mean the State Board of Convict Supervisors, hereinabove named.

Section 6. That the Governor shall set apart in the Capitol, or at some other place at the seat of government, suitable quarters for the offices of the State Board of Convict Supervisors and its employees. The Board of Convict Supervisors shall hold regular monthly meetings at the office of the President thereof, at such time or times as may be fixed by them, and other meetings may be called at the pleasure of the President.

Section 7. That the State Board of Convict Supervisors, under the direction and control of the Governor, shall have the charge, management and operation of the convict system of the State, and shall have power, with the approval of the Governor,

to make all necessary rules and regulations for its own government and for the working and the management of the convicts of the State and all matters incident thereto. The State Prison Inspector shall henceforth discharge the duties of his office in connection with and under the direction of and as a part of the work of the State Board of Convict Supervisors, which is hereby vested, with the approval of the Governor, with authority and power to extend the work and duties of his office, his functions and activities to all penal, charitable, and eleemosynary institutions placed by this Act under the control of the State Board of Convict Supervisors. The State Board of Convict Supervisors is hereby vested with the power and authority to establish and promulgate rules and regulations for the proper conduct or co-ordination of the work and operations of the State Prison Inspector's office, subject to the approval of the Governor. The State Prison Inspector may be removed by the Governor at his discretion, whenever he may deem it best for the public interest.

Section 8. That the State Board of Convict Supervisors is also vested with the power and authority to make such changes in the existing arrangements with reference to the segregation and treatment of tubercular patients, and other patients needing long time hospital detention and care, who are serving sentences for conviction of crime, so as to permit such patients to be transferred to the custody and care of those officers and agents who have the charge and control of the detention hospital or hospitals of the State convict system; the agents in charge of such hospital or hospitals during the period of the treatment of such convict patients are hereby constituted the legal custodian of such convicts. Any such hospital or hospitals, or other place suitable and used under the convict system for the segregation and treatment of tubercular or long time patients, may be opened under the authority of the State Board of Convict Supervisors and may be used for the segregation, treatment, and care of other inmates afflicted with tuberculosis or other diseases or ailments requiring long time detention, treatment and care, and who may be received from any other institution covered by this Act, or from any hospital or other duly accredited and responsible institution in the State with which the State Board of Convict Supervisors may co-operate in the matter of the treatment or care of such patients; provided that there shall be proper separation of convicts from free persons, whites from blacks, males from females, in such hospital or place of detention. The Board is hereby given general authority over the reception, care, custody and segregation of such persons, and is also vested with the power and authority, by and with the approval of the Governor, to establish and promulgate rules and regulations for the proper conduct of the business and operation of such hospitals

and places of detention, except as may be otherwise provided by this Act.

Section 9. That the Board of Convict shall keep in its office a complete system of books and accounts with all institutions over which it has supervision, showing every expenditure authorized and made therefor, and containing a separate account of every appropriation made by the Legislature therefor and every expenditure therefrom; and shall also keep books and accounts showing all revenues and receipts derived from every source, and showing separately the revenues from each institution, activity or plant controlled or operated by the Board of Convict Supervisors.

Section 10. That the Board of Convict Supervisors shall require its officers and employees and those of institutions under its charge or control, who may be charged with the handling of any public moneys, to give bond to the State in a sum to be prescribed by the Board, conditioned faithfully to account for all moneys and to disburse the same according to law, the bonds to be signed by an approved surety company, and to be approved by the President of the Board of Convict Supervisors. The premiums on the bonds shall be paid by the State.

Section 11. That every member, agent or employee of the Board who shall necessarily travel on official business shall be paid the actual expenses for travel by the nearest practicable route, but no expenses for travel to other States shall be incurred by any of said persons unless authority therefor be first granted by resolutions of the Board of Convict Supervisors containing the reasons and purpose of the trip, upon which the Governor has endorsed his approval. Before any member, officer, agent or employee of the Board shall be paid any expense account, or be reimbursed any money claimed to have been expended in the performance of his duties, a statement showing the items thereof, verified by affidavit of the claimant that the bill is just, accurate and true and is for cash expenditures actually made, and that the money has been disbursed legally, and that the items claimed were necessary and were actually paid out and disbursed by the party claiming from the State, shall be presented to and approved by the Governor and then presented to the State Auditor.

Section 12. That the Board may adopt rules and regulations, with the approval of the Governor, for conducting its business and may define the duties of and rules for the government of officers and employees of the institutions under its control, as well as those of its own officers and employees, not conflicting with this Act. All contracts of the Board shall be in writing, signed for the Board by the President. The Board, with the

approval of the Governor, may prescribe rules and regulations for emergency purchases without advertisement for bids.

Section 13. That the President of the State Board of Convict Supervisors is hereby authorized and empowered, by and with the approval of the Governor, to make and enter into all contracts necessary to the efficient management of the business of the department, and such President is hereby authorized and empowered, by and with the approval of the Governor, to prescribe and employ the subordinate officers, assistants and employees necessary for the proper conduct and operation of the Convict Department; to prescribe their duties and to fix their salaries or compensation, which shall be done in writing, signed by the President of the Board and approved by the Governor, and recorded in the office of the State Board of Convict Supervisors, in a well bound volume kept for that purpose, where shall, also, be stated the amount of salary or compensation to be paid each such subordinate or employee. Such subordinate officers, assistants and employees shall be appointed by the President of the Board with the approval of the Governor. The said officers, assistants and employees shall be subject to removal by the Governor, and their salaries or compensation shall be paid out of funds of the Convict Department as salaries of officers and employees of the Convict Department have heretofore been paid. There is hereby appropriated an amount sufficient to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this Act.

Section 14. That the Board of Convict Supervisors shall purchase all supplies for all departments and activities of the State, except educational, charitable and eleemosynary institutions governed by their own board of trustees or managers, under rules and regulations which the Board may adopt, with the approval of the Governor, and which rules, among other things, shall require advertisements for written bids and allow opportunity for competition among bidders, and the award of contracts to the lowest responsible bidder, and shall prescribe requirements to be observed by successful bidders to secure compliance with their bids, and may require successful bidders to give bond, with duly authorized surety companies as surety to secure performance of contracts under regulations which the Board, with the approval of the Governor, may prescribe.

Section 15. That when the head of any department of the State shall desire any office supplies or materials or other articles of use or necessity, written application shall be made therefor to the State Board of Convict Supervisors, sworn to and stating by items the articles desired and needed, showing out of what fund they are to be paid, that the articles are necessary, that the

amount of the requisition is not excessive, and that no part of the same will be used except in conducting the public business, and such application shall be kept on file in the office of the Board of Convict Supervisors.

Section 16. That the Board of Convict Supervisors shall, with the approval of the Governor, make and prescribe rules and regulations governing the determination as to whether or not articles requested shall be purchased by the Board, and, with the approval of the Governor, shall also make and prescribe regulations governing the purchase by the Board, advertising for bids, opening of bids and acceptance thereof, but the Board shall not purchase any supplies from any person, firm or corporation to whom or to any of the officers or agents of which any member of the Board is related in any manner or form, or any firm or corporation in which any member of the Board has any pecuniary interest.

Section 17. That the Board of Convict Supervisors shall keep in its office complete records of all requisitions, bids, correspondence and other papers of the Board of Convict Supervisors, or of its members, relating to official business, and of subordinates, employees or agents of the Board relating to its business, and of all proceedings of the Board, which are hereby declared to be public records and shall be carefully preserved and be at all reasonable times during office hours open to the inspection of any officer or citizen of the State who may be allowed to make copies thereof.

Section 18. That the Board of Convict Supervisors shall keep on file in its office an inventory of all office furniture, fixtures and supplies of any nature of all offices, departments, commissions, bureaus and boards of the State, and of changes made in the offices thereof in the State Capitol in respect to office furniture, fixtures, and supplies, which inventory must be made and filed by the Board before the first day of January of each year, and when filed some employee or agent of the Board of Convict Supervisors designated for that purpose shall annually go into each office and check up all articles and supplies of every kind in each office, not including books in libraries, and shall compare such inventory with the one filed the preceding year, and the Board shall require a strict account from every head of department, office, commission, bureau or board of any discrepancy between such inventories. If the explanation is not satisfactory, the Board shall report the fact to the Governor for such action as the case may call for. If any officer of the State thinks best to sell any furniture or other articles in his office or department, he shall give notice of such desire, in writing, to the Board of Convict Supervisors with an itemized

list of the articles and reasons for selling, and, if in the opinion of the Board of Convict Supervisors and the Governor it is desirable that such articles be sold, they shall be sold by the Board of Convict Supervisors, which, with the approval of the Governor, may prescribe rules and regulations to secure the best price for the State and the faithful accounting to the State for the proceeds of sale.

Section 19. That the State Board of Convict Supervisors is hereby vested with control and authority over, and is hereby charged with the duty of providing for the public printing and binding designated in and subject to the limitations of section 69 of the State Constitution, and more particularly set forth in sections 1647 and 1648 of Chapter 40, Political Code, Section 578 of Chapter 19, Article 2; and Sections 1649 and 1655, inclusive, and Sections 1657, 1658, 1660 and 1662 of said Chapter 40 of the Political Code are hereby repealed. The State Board of Convict Supervisors in each October next before the meeting of the Legislature, by circulars addressed to each daily newspaper in this State, shall invite bids for publication in such paper of the laws of a general and public nature having effect in every county and upon all the people of the State, which may be enacted by the next Legislature, and may accept the proposal of the lowest and most responsible bidder for making such publication and enter into contract with such bidder before the meeting of the Legislature. In determining which bid to accept the State Board of Convict Supervisors may take into consideration the circulation of the newspaper published by the bidder; but no bid in excess of a maximum price of rate to be fixed by the State Board of Convict Supervisors in the circulars inviting bids shall be considered. The State Board of Convict Supervisors is hereby vested with the power and authority to establish and promulgate rules and regulations for the proper conduct of the business and duties imposed upon the Board by this section.

Section 20. That the care, custody, equipment, repairing, insurance, inventorying and accounting for all property of the State, except the property of educational, charitable and eleemosynary institutions which are under the management of their own boards of trustees or managers, shall be in charge of the State Board of Convict Supervisors, which is hereby vested with the authority to promulgate rules and regulations, with the approval of the Governor, for the proper conduct of the business and duties conferred by this section.

Section 21. That the Board shall annually make and file in the office of the Governor a report of the results of its operations and the conduct of its business in the exercise of the powers granted it, and shall also report to the Governor, within ten days

before the beginning of each regular session of the Legislature, all such matters as may be required by the Governor to be included in such report, and it shall be the duty of the Governor to inform the Legislature at the beginning of each regular session of the contents of such reports. All records of the Board shall be open at reasonable times to the inspection of the public.

Section 22. The Board of Convict Supervisors shall, with the approval of the Governor, make and prescribe rules and regulations requiring all the State, educational, charitable and eleemosynary institutions to file with the Board of Convict Supervisors, quarterly, full and detailed reports showing the amount of moneys spent for the purchase of supplies, equipment and material of every kind, for all buildings and repairs and upkeep and insurance; such detailed reports shall be made quarterly to the Board of Convict Supervisors by the president or superintendent of each such institution, within ten days after the first day of January, April, July, and October of each year, and at such other times as may be required by the State Board of Convict Supervisors, with the approval of the Governor.

Section 23. The State Board of Convict Supervisors, when requested by the Governor, his private Secretary, the Secretary of State, or any other officer or agency authorized to make contracts for the purchase of supplies or material for the State or any of its educational, charitable or eleemosynary institutions, furnish the officer or agency so making the request with any data or information which this Board may have in its possession that would aid or be of assistance in purchasing any supplies or material for the State or any of its institutions, and shall render any aid or assistance which it can in making contracts for the purchase or in purchasing any supplies or material which the State or any of its institutions may need or require.

Section 24. The State Board of Control and Economy, and the State Warden General, immediately after the approval of this Act, shall deliver all books, records, papers and data, or other property of the State or its institutions or agencies, now in its or his possession and control, to the State Board of Convict Supervisors.

Section 25. That any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (\$25.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, and may also be imprisoned in the county jail or sentenced to hard labor for a term not exceeding six months, in the discretion of the judge trying the case.

Section 26. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 27. That this Act shall be effective upon its approval by the Governor.

Mr. Moxley offered the following amendment to the substitute:

Amend by striking out the words Six thousand dollars where they appear in the bill and insert the words Five thousand dollars. Also by striking out the words Five thousand dollars and insert in lieu thereof the words Four thousand dollars.

Mr. Verner moved to table the amendment offered by Mr. Moxley, and the motion to table was lost, and the amendment offered by Mr. Moxley to the substitute was adopted.

And the substitute as amended was adopted.

Yeas, 87, nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howze	Russell
Adams	Dowdle	Hubbard	St. John
Adcock	Dunwoody	Jeter	Sanders (Pike)
Allen	Elliott	Jones	Sessions
Arrington	Embry	Kilpatrick	Smith (Clay)
Ashcraft (Fayette)	Fanning	Lee	Smith (Lee)
Ashcraft (Lauderdl.)	Ferrell	LeMaistre	Snodgrass
Bealle	Fite	Letson	Stewart (Bibb)
Blackwell	Forman	Long	Stewart (Calhoun)
Bowen, Lewis	Glenn	Love	Thompson (Etowah)
Bowen, L. K.	Glover	Luck	Thompson (Jackson)
Boykin	Goode	McGowen	Tiller
Burns	Goodwyn	Melton	Tunstall
Burton	Graves	Mooneyham	Tyson
Byars	Grove	Moorer	Verner
Calloway	Hall	Moxley	Walker
Cato	Hampton	Odom	Wall
Christian	Hatter	Patterson	Walton
Cook	Hawkins	Posey	Ware
Culver	Henson	Powell	Williams
Cunningham	Hodgson	Rives	Wyatt
Deloney	Hornsby	Rountree	

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And the bill:

H. 177. To establish the State Board of Convict Supervisors in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of the said Board of Convict Supervisors and its members, to fix the terms of their office, salaries, compensation and the mode of payment.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 83; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jones	Rountree
Adams	Elliott	Kilpatrick	Russell
Adcock	Embry	Lee	St. John
Allen	Fanning	LeMaistre	Sanders (Pike)
Arrington	Ferrell	Letson	Sessions
Ashcraft (Fayette)	Fite	Long	Smith (Clay)
Ashcraft (Lauderdl.)	Glass	Luck	Smith (Jefferson)
Bealle	Glenn	McGowen	Smith (Lee)
Blackwell	Glover	Melton	Sollie
Bowen, Lewis	Goode	Moorer	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Moxley	Stewart (Calhoun)
Boykin	Grove	Nichols	Thompson (Etowah)
Burns	Hall	Norman	Thompson (Jackson)
Burton	Hatter	Odom	Tiller
Byars	Henson	Patterson	Tunstall
Cato	Hodgson	Pickens	Tyson
Christian	Hornsby	Poole	Verner
Culver	Howard	Posey	Wall
Cunningham	Howze	Ringer	Walton
Deloney	Hubbard	Rives	Ware
Dickinson	Jeter		

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On motion of Mr. Verner the Bill H. 177 was ordered sent forthwith to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Sessions the House adjourned until tomorrow morning at 10 o'clock.

ELEVENTH DAY.

House of Representatives,
Wednesday, January 31st, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Adams of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Allen	Ashcraft (Lauderdl.)	Bowen, Lewis
Adams	Arrington	Bealle	Bowen, L. K.
Adcock	Ashcraft (Fayette)	Blackwell	Boykin

Burns	Glover	Long	Sessions
Burton	Goode	Love	Smith (Clay)
Byars	Goodwyn	Luck	Smith (Jefferson)
Calloway	Graves	Melton	Smith (Lee)
Cato	Grove	Mooneyham	Snodgrass
Christian	Guy	Moorer	Sollie
Coleman	Hall	Moxley	Stewart (Bibb)
Cook	Hampton	Nichols	Stewart (Calhoun)
Culver	Hatter	Norman	Thompson (Etowah)
Cunningham	Hawkins	Odom	Thompson (Jackson)
Deloney	Henley	Parker	Tiller
Dickinson	Henson	Patterson	Tunstall
Dowdle	Hodgson	Pickens	Tyson
Dunwoody	Hornsby	Poole	Varner
Elliott	Howard	Posey	Verner
Embry	Howze	Powell	Walker
Fanning	Hubbard	Ringer	Wall
Ferrell	Jeter	Rives	Walton
Fite	Jones	Rountree	Ware
Forman	Kilpatrick	Russell	Mrs. Wilkins
Gaines	Lee	St. John	Williams
Glass	LeMaistre	Sanders (Conecuh)	Wyatt
Glenn	Letson	Sanders (Pike)	Young

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on the Revision of the Journal made the following report:

REPORT OF THE STANDING COMMITTEE ON THE REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Tenth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Tenth Day was approved.

LEAVE OF ABSENCE.

Was Granted to Mr. McGowan and Mr. Rutherford indefinitely on account of sickness.

RESOLUTION.

The following resolution was introduced:

By Mrs. Wilkins (By request):

H. R. 34. Whereas, it is necessary that additional clerical help be had in the Engrossing Department of the House,

Therefore, be it resolved that the Engrossing Clerk, with the approval of the Speaker, be authorized and empowered to employ additional clerical help up to the number of five clerks.

And the resolution was referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same.

January 31st, 10:05 A. M.

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Brower:

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Corporations, S. 2.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the Special Order, which was the bill:

H. 133 (with substitute). To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws, said substitute being as follows:

A BILL.

Substitute for H. 133:

To be entitled an Act to provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Section 1. Be it enacted by the Legislature of Alabama, That the Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, are authorized and vested with full authority to extend the time of payment of any interest bearing warrants, which have been issued as payment for the construction or repair of any public roads or bridges in their respective counties, for such a period of time as to them may seem advisable, provided such time shall not extend over a period of more than ten years from the date of the contract for the construction or repair of any such public roads or bridges, and upon which said contract the said warrants were issued; and in making such extension of the time of payment, such Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State are authorized to issue new warrants, bearing interest at the same rate or a less rate than the original warrants, to the legal holder of said warrants, and deliver them to the holder of such warrants in lieu thereof, and which last said warrants shall be in form as now required by law and shall be binding and valid obligations of said county.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

And the substitute was adopted.

Yeas, 69; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howard	Sessions
Adams	Embry	Howze	Smith (Clay)
Adcock	Fanning	Hubbard	Smith (Lee)
Allen	Ferrell	Jones	Snodgrass
Arrington	Forman	Luck	Sollie
Ashcraft (Fayette)	Gaines	Melton	Stewart (Calhoun)
Bealle	Glass	Mooneyham	Thompson (Etowah)
Bowen, Lewis	Glenn	Moorer	Thompson (Jackson)
Boykin	Goode	Moxley	Tiller
Burns	Graves	Nichols	Tunstall
Calloway	Grove	Norman	Tyson
Cato	Guy	Odom	Walker
Coleman	Hatter	Patterson	Wall
Cook	Henley	Pickens	Ware
Cunningham	Henson	Poole	Mrs. Wilkins
Deloney	Hodgson	Russell	Wyatt
Dowdle	Hornsby	Sanders (Pike)	Young
Dunwoody			

Nays:

Messrs:

Blackwell

Hampton

Letson

Love

Christian

—5

And the bill:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from the date of contract upon which said warrants were issued.

As amended by the substitute, was read a third time at length and passed.

Yeas, 77; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Elliott

Howze

Rives

Adams

Embry

Hubbard

Russell

Adcock

Fanning

Jones

Sanders (Pike)

Allen

Ferrell

Kilpatrick

Sessions

Arrington

Fite

Lee

Smith (Clay)

Ashcraft (Fayette)

Forman

LeMaistre

Smith (Lee)

Bealle

Gaines

Luck

Snodgrass

Blackwell

Glover

Melton

Stewart (Calhoun)

Bowen, L. K.

Goode

Mooneyham

Thompson (Etowah)

Boykin

Goodwyn

Moorer

Thompson (Jackson)

Burns

Graves

Moxley

Tyson

Burton

Grove

Norman

Verner

Byars

Guy

Odom

Walker

Calloway

Hatter

Parker

Wall

Cato

Henley

Patterson

Walton

Christian

Henson

Pickens

Ware

Cook

Hodgson

Poole

Mrs. Wilkins

Cunningham

Hornsby

Posey

Wyatt

Dickinson

Howard

Ringer

Young

Dowdle

—77

And the bill H. 133 was on motion of Mr. Grove ordered sent forthwith to the Senate without engrossment.

H. 139 (with substitute). To require the Judges of the Supreme Court to give their opinion upon the legality of amendments to the Constitution before the same are submitted to a vote of the people.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

Substitute for H. 139:

A BILL.

To be entitled an Act to provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important constitutional questions and on solemn occasions.

Be it enacted by the Legislature of Alabama:

Section 1. The Governor by a request in writing, or either House of the Legislature by a resolution of such House, may obtain written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, on important constitutional questions and on solemn occasions.

Section 2. The opinion of the Justices of the Supreme Court herein provided for shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the Justices giving the opinions; but such opinions shall be advisory merely. The object and purpose of this act being to give more confidence and assurance to the validity and constitutionality of important acts of the Governor and the Legislature on solemn occasions, and to declare the public policy of the State as to requesting and giving opinions of the Justices of the Supreme Court as herein provided.

Section 3. The Justices of the Supreme Court may request briefs from the Attorney General, and may receive briefs from other attorneys as *amicus curiae*, as to such questions as may be propounded to them for their answers.

Mr. St. John offered the following amendment to the substitute:

Amend substitute for H. 139 by striking out words "On Solemn Occasions," where same appears in caption and body of the bill.

And the amendment offered by Mr. St. John to the substitute was adopted.

And the substitute reported by the Committee as amended was adopted.

Yeas, 84; nays, 10.

Yeas:

Messrs:

Mr. Speaker

Allen

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderdl.

Bealle

Blackwell

Bowen, Lewis

Boykin

Burns

Burton

Calloway

Christian

Coleman

Cook

Culver

Cunningham

Deloney

Dickinson

Dowdle

Dunwoody	Hodgson	Nichols	Snodgrass
Elliott	Howard	Norman	Sollie
Embry	Howze	Odom	Stewart (Bibb)
Fanning	Hubbard	Parker	Stewart (Calhoun)
Fite	Jeter	Patterson	Thompson (Etowah)
Forman	Jones	Poole	Thompson (Jackson)
Gaines	Kilpatrick	Posey	Tiller
Glass	Lee	Powell	Tunstall
Glenn	LeMaistre	Rives	Tyson
Goode	Letson	Rountree	Verner
Goodwyn	Love	Russell	Walker
Graves	Luck	St. John	Ware
Grove	Melton	Sanders (Pike)	Mrs. Wilkins
Guy	Mooneyham	Sessions	Williams
Henley	Moorer	Smith (Clay)	Wyatt
Henson	Moxley	Smith (Jefferson)	Young

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*Nays:**Messrs:*

Adams	Cato	Hall	Long
Bowen, L. K.	Ferrell	Hampton	Ringer
Byars	Glover		

—10

And the bill:

H. 139. To require the Judges of the Supreme Court to give their opinion upon the legality of amendments to the Constitution before the same are submitted to a vote of the people.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 74; nays, 15.

*Yeas:**Messrs:*

Mr. Speaker	Dunwoody	Jones	Sanders (Pike)
Adams	Elliott	Kilpatrick	Smith (Clay)
Adcock	Embry	Lee	Smith (Jefferson)
Allen	Fanning	LeMaistre	Smith (Lee)
Ashcraft (Fayette)	Fite	Letson	Snodgrass
Ashcraft (Lauderdl.)	Forman	Luck	Sollie
Bealle	Gaines	Mooneyham	Stewart (Calhoun)
Blackwell	Glass	Nichols	Thompson (Etowah)
Bowen, Lewis	Glenn	Norman	Tiller
Boykin	Goode	Odom	Tunstall
Burns	Goodwyn	Parker	Tyson
Burton	Grove	Patterson	Verner
Calloway	Henley	Poole	Walker
Christian	Hodgson	Posey	Wall
Coleman	Hornsby	Rives	Ware
Culver	Howard	Rountree	Mrs. Wilkins
Cunningham	Howze	Russell	Wyatt
Deloney	Hubbard	St. John	Young
Dowdle	Jeter		

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Nays:

Messrs:

Byars	Guy	Love	Stewart (Bibb)
Cato	Hampton	Moorer	Varner
Ferrell	Henson	Ringer	Walton
Glover	Long	Sessions	

—15

And the bill H. 139 was on motion of Mr. Cunningham ordered sent forthwith to the Senate without engrossment.

H. 163 (with amendment). Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said Committee amendment being as follows:

Amend H. 163 so that Section Eight thereof shall read as follows:

Section 8. Fifty per centum of the revenue which may be derived from the excise tax prescribed in this Act shall be used in so far as necessary for the maintenance of public highways in this State that have received Federal Aid or that are or may hereafter be eligible to receive Federal Aid under the management and control of the State Highway Department, which fifty per centum shall be paid by the State Tax Commission to the State Treasurer, and may be paid out of the State Treasury on warrants of the State Auditor upon presentation to him of vouchers issued by the State Highway Engineer and approved by the Governor.

Fifty per centum of the revenue which may be received from the excise tax prescribed in this Act shall be used for the maintenance of public highways of the several counties in this State under the control and management of the several Boards of County Commissioners or Boards of Revenue of the respective counties. Such fifty per centum shall be paid by the State Tax Commission to the State Treasurer, and shall certify to the State Auditor the amount of such fifty per centum due each county pro-rating the same according to the amount of such tax derived from the sale of gasoline and other motor fuel oils in the respective counties. The State Auditor shall thereupon each month draw his warrants upon the State Treasury payable to the several County Treasurers for the several amounts due each county. Each county shall receive its pro-rata share of such fifty per centum of the excise tax collected on the amount of such gasoline

and other motor fuel oils sold or distributed to retail dealers or consumers thereof in that county.

Mr. St. John offered the following substitute for the amendment reported by the Standing Committee on Ways, Means and Appropriations:

To amend Committee Amendment to H. 163 by striking out amendment to Section 8, and inserting in lieu thereof the following substitute to amendment of Section 8, so as to read as follows:

Section 8. The revenue which may be derived from the Excise Tax prescribed in this Act shall be divided equally among the several counties of this State and shall be used for the construction and maintenance of public highways of the several counties of this State under the control and management of the several Courts of County Commissioners or Boards of Revenue of the respective counties. Such tax shall be paid by the State Tax Commission to the State Treasurer and such Tax Commission shall certify to the State Auditor the amount of such tax due each county. The State Auditor shall thereupon each month draw his warrants upon the State Treasury payable to the Judges of Probate of the several counties for the several amounts due each county to be by such Judge of Probate placed to the credit of the Road and Bridge fund of such county, and shall be used for the construction and maintenance of public highways in such counties and for no other purpose.

And the substitute offered by Mr. St. John was adopted.

Yeas, 73; nays, 30.

Yeas:

Messrs:

Adams	Fite	Jones	Posey
Adcock	Gaines	Kilpatrick	Ringer
Allen	Glass	Lee	Russell
Ashcraft (Fayette)	Glenn	LeMaistre	St. John
Blackwell	Glover	Letson	Sanders (Pike)
Bowen, L. K.	Goodwyn	Long	Sessions
Boykin	Grove	Love	Smith (Clay)
Burton	Guy	Luck	Smith (Lee)
Byars	Hall	Melton	Snodgrass
Calloway	Hampton	Mooneyham	Sollie
Cato	Hatter	Moorer	Stewart (Calhoun)
Cook	Hawkins	Moxley	Thompson (Jackson)
Cunningham	Henley	Nichols	Tiller
Dickinson	Henson	Norman	Tyson
Dowdle	Hodgson	Odom	Wall
Dunwoody	Hornsby	Parker	Walton
Elliott	Howard	Pickens	Ware
Fanning	Hubbard	Poole	Wyatt
Ferrell			

Nays:

Messrs:

Mr. Speaker	Culver	Patterson	Tunstall
Arrington	Deloney	Powell	Verner
Ashcraft (Lauderdl.)	Embry	Rives	Verner
Bealle	Forman	Rountree	Walker
Bowen, Lewis	Goode	Smith (Jefferson)	Mrs. Wilkins
Burns	Graves	Stewart (Bibb)	Williams
Christian	Howze	Thompson (Etowah)	Young
Coleman	Jeter		

—30

Mr. Culver offered the following amendment to the substitute offered by Mr. St. John:

Amendment to amendment offered by St. John of Cullman:

Amend H. 163 so that Section Eight thereof shall read as follows:

Section 8. Fifty per centum of the revenue which may be derived from the excise tax prescribed in this Act shall be used in so far as necessary for the maintenance of public highways in this State that have received Federal Aid or that are or may hereafter be eligible to receive Federal Aid under the management and control of the State Highway Department, which fifty per centum shall be paid by the State Tax Commission to the State Treasurer, and may be paid out of the State Treasury on warrants of the State Auditor upon presentation to him of vouchers issued by the State Highway Engineer and approved by the Governor.

Fifty per centum of the revenue which may be received from the excise tax prescribed in this Act shall be used for the maintenance of the public highways of the several Counties in this State under the control and management of the several Boards of County Commissioners or Boards of Revenue of the respective Counties. Such fifty per centum shall be paid by the State Tax Commission to the State Treasurer, and shall certify to the State Auditor the amount of such fifty per centum due each County prorating the per centum shall be paid by the State Tax Commission to the same equally among the respective Counties. The State Auditor shall thereupon each month draw his warrants upon the State Treasury payable to the several County Treasurers for the several amounts due each County, each County receiving an equal amount of such fifty per centum of the excise tax collected.

On motion of Mr. St. John the amendment offered by Mr. Culver was laid upon the table.

Mr. Goode offered the following amendment to the substitute offered by Mr. St. John:

Amend the substitute for the Committee amendment offered by Mr. St. John:

Provided, however, that the County Commissioners or Boards of Revenue of the several Counties shall apply the funds received from this Act first to the maintenance and repair of all the roads in the several counties that have been or may hereafter be designated by statute as State Highways, and that the remainder of such funds shall be used by such County Commissioners or Boards of Revenue only in the building, repair and maintenance of the public roads and bridges of the several counties.

On motion of Mr. St. John, the amendment offered by Mr. Goode was laid upon the table.

And the amendment reported by the Standing Committee on Ways, Means and Appropriations as amended by the substitute offered by Mr. St. John was adopted.

Yeas, 83; nays, 16.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howard	St. John
Adams	Embry	Hubbard	Sanders (Pike)
Adcock	Fanning	Kilpatrick	Sessions
Allen	Ferrell	Lee	Smith (Clay)
Arrington	Fite	LeMaistre	Smith (Lee)
Ashcraft (Fayette)	Gaines	Letson	Snodgrass
Ashcraft (Lauderdl.)	Glass	Long	Sollie
Blackwell	Glenn	Love	Stewart (Bibb)
Boykin	Glover	Luck	Stewart (Calhoun)
Burns	Goode	Melton	Thompson (Jackson)
Burton	Goodwyn	Mooneyham	Tiller
Byars	Grove	Moorer	Tunstall
Calloway	Guy	Moxley	Tyson
Cato	Hall	Nichols	Varner
Coleman	Hampton	Odom	Walker
Cook	Hatter	Parker	Wall
Culver	Hawkins	Poole	Walton
Cunningham	Henley	Posey	Ware
Dickinson	Henson	Powell	Williams
Dowdle	Hodgson	Ringer	Wyatt
Dunwoody	Hornsby	Russell	

—83

Nays:

Messrs:

Bealle	Forman	Patterson	Thompson (Etowah)
Bowen, Lewis	Graves	Rives	Verner
Bowen, L. K.	Howze	Rountree	Mrs. Wilkins
Christian	Jeter	Smith (Jefferson)	Young

—16

Mr. Powell offered the following amendment to the bill:

AMENDMENT H. 163.

Amend bill H. 163 as amended by striking the words "Two Cents per Gallon" wherever they occur together in said bill as

amended, and inserting in lieu thereof the words "One Cent per Gallon."

On motion of Mr. Long the amendment offered by Mr. Powell was laid upon the table.

Mr. Graves offered the following amendment to the bill H. 163:

AMENDMENT TO SECTION ONE.

Amend Section One so that the same shall read as follows:

Section 1. As used in this Act the "Gasoline and other liquid motor fuels" shall include gasoline, benzol, naphtha, and other motor fuels commonly used in internal combustion engines—provided that nothing contained in this Act shall apply to kerosene oil.

The word "Person" means and includes every person, corporation, co-partnership, company, agency or association. The "distributor of gasoline" means a person engaged in the sale of gasoline in any manner not commonly known as retail, but shall not include any person engaged in selling gasoline in whole or in part in interstate commerce.

The term "retail dealer" includes any person engaged in the sale of gasoline at any place in this State and delivering such gasoline to the purchaser thereof in broken quantities.

And the amendment was adopted.

Yeas, 89; nays, 1.

Yeas:

Messrs:			
Mr. Speaker	Elliott	Howard	St. John
Adams	Embry	Hubbard	Sanders (Pike)
Adcock	Fanning	Kilpatrick	Sessions
Allen	Ferrell	Lee	Smith (Clay)
Arrington	Fite	Letson	Smith (Lee)
Ashcraft (Fayette)	Forman	Long	Snodgrass
Ashcraft (Lauderdl.)	Gaines	Love	Sollie
Bealle	Glass	Luck	Stewart (Bibb)
Blackwell	Glenn	Melton	Stewart (Calhoun)
Bowen, Lewis	Glover	Mooneyham	Thompson (Etowah)
Bowen, L. K.	Goode	Moorer	Thompson (Jackson)
Boykin	Goodwyn	Moxley	Tiller
Burns	Graves	Nichols	Tunstall
Burton	Grove	Norman	Tyson
Calloway	Guy	Odom	Varner
Cato	Hall	Parker	Verner
Coleman	Hampton	Patterson	Walker
Cook	Hatter	Pickens	Wall
Culver	Henley	Poole	Walton
Cunningham	Henson	Posey	Ware
Dickinson	Hodgson	Ringer	Wyatt
Dowdle	Hornsby	Rives	Young
Dunwoody			

Nays: Mr. Jeter—1.

And the bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

As amended, was read a third time at length and passed.

Yeas, 79; nays, 14.

Yeas:

Messrs:

Mr. Speaker	Fanning	Hubbard	Sessions
Adams	Ferrell	Kilpatrick	Smith (Clay)
Adcock	Forman	Lee	Smith (Lee)
Allen	Gaines	LeMaistre	Snodgrass
Arrington	Glass	Letson	Sollie
Ashcraft (Fayette)	Glenn	Long	Stewart (Bibb)
Bealle	Glover	Love	Thompson (Etowah)
Blackwell	Goode	Luck	Thompson (Jackson)
Boykin	Goodwyn	Melton	Tiller
Burton	Graves	Mooneyham	Tunstall
Cato	Grove	Moorer	Tyson
Christian	Guy	Moxley	Verner
Coleman	Hall	Norman	Walker
Cook	Hampton	Parker	Wall
Cunningham	Hatter	Pickens	Walton
Deloney	Henley	Poole	Ware
Dickinson	Henson	Rountree	Williams
Dowdle	Hodgson	Russell	Wyatt
Elliott	Hornsby	St. John	Young
Embry	Howard	Sanders (Pike)	

—79

Nays:

Messrs:

Bowen, Lewis	Embry	Nichols	Ringer
Burns	Hawkins	Patterson	Rives
Calloway	Howze	Powell	Smith (Jefferson)
Culver	Jeter		

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On motion of Mr. Tunstall the bill H. 163 was ordered sent forthwith to the Senate without engrossment.

RECESS.

On motion of Mr. Long, the House recessed until 3:30 P. M.

AFTERNOON SESSION.

The hour of 3:30 having arrived, the House reconvened.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Sanders of Conecuh on account of sickness.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Henley:

H. R. 35. Be it resolved by the House of Representatives, That House Bill No. 14, by Mr. Henley, to provide that County Superintendents of Education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office, be made a special order for the next Legislative Day after the report of the Standing Committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Long:

H. J. R. 36. Resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to Friday, February 2nd, at 10 o'clock A. M.

On motion of Mr. Long the rules were suspended and the resolution was adopted.

By Rules Committee:

H. J. R. 37. Resolved that five additional Clerks be appointed by the Speaker for the office of the Engrossing Clerk and three for the Enrolling Clerk.

And the resolution was adopted.

By Mr. Walton:

H. J. R. 38. Resolved by the House that the Senate of Alabama be, and is hereby requested to return to the House for further consideration, House Bill 136, by Mr. Goodwyn, which said bill was sent to the Senate on Tuesday, January 30, 1923, without engrossment.

And the resolution was upon motion of Mr. Goodwyn laid upon the table.

By Mr. Smith of Lee:

H. J. R. 39. Resolved by the House that H. 235, entitled an Act "To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to Sheriffs of the counties in the State for feeding prisoners in the County jails during the fiscal year ending September 30, 1922, and which are unpaid, be made a Special Order for the Twelfth Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Foster:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature, approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

Also:

By Mr. Foster:

S. 103. To repeal an Act approved September 30, 1920, entitled, "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled, "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board", approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

Also:

By Mr. Foster:

S. 92. To amend an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 102, S. 103, S. 92.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Inzer:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 40.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Hildreth:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts

of county commissioners or other like governing bodies of the several counties."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Public Roads and Highways, S. 72.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and send same herewith to the House without engrossment:

By Mr. Brower:

S. 95. To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

By Mr. Brower:

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

By Mr. Brower:

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Claims and Fees, S. 95, S. 96, and S. 97.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Foster:

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an Act

approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.' "

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 83.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 9. To amend Section 6032 of the Code of Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the following House Resolution and returns same herewith to the House:

H. J. R. 15. Relative to the indorsement of Hon. Alfred A. Taylor for appointment as Secretary of the Interior.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the following Joint Resolution and returns same herewith to the House:

H. J. R. 27. Whereas, there lives within the borders of the State of Alabama an illustrious Democrat, statesman and patriot, who is worthy any honor that could be bestowed upon him, either State or national.

Therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, that we do hereby endorse Honorable Oscar W. Underwood, of Birmingham, Alabama, as our choice for President of the United States and urge that he be made the standard bearer of the next Democratic National Convention.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill, and returns same herewith to the House:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the following House Resolution and returns same herewith to the House:

H. J. R. 16. Relative to a joint committee of the two Houses to sit during the recess to consider educational matters.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 60. Be it resolved by the Senate, the House concurring, that in accordance with the recommendations of the Governor, the Budget Recess Committee heretofore created is hereby instructed and empowered to investigate the State Highway Department during the recess, and to call to sit with them in said investigation a representative of the United States Government, and report the result back to the Senate and House at the adjourned session.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 60 was read one time and referred to the Standing Committee on Rules.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with House Resolution heretofore adopted, the Speaker announced the following as the members of the Standing Committee on Rivers and Harbors:

Cunningham, Chairman; Ashcraft of Lauderdale, Goodwyn, Kilpatrick, Grove, Sollie, Fite, Elliot, St. John, Walton, Goode, Russell, Varner, Ferrell, Rountree, Snodgrass, Embry, Verner, Bowen (Lewis).

INVITATIONS.

The following was read by the Clerk and ordered spread upon the Journal:

Hon. Hugh Merrill,
Speaker of the House,
Montgomery, Ala.
Dear Sir:—

The United States Government will dedicate the Veterans' Hospital located near Tuskegee on the 12th day of February. There will be present at the dedication, Vice President Coolidge, Assistant to the Treasurer Clifford, Senator Underwood, Governor Brandon, General Steiner and other prominent men.

As chairman of the reception committee, I am writing to extend an invitation to the House to attend the dedication in a body. Lunch will be served, and I trust that the House may be able to attend.

With kind regards, I am,

Yours truly,

John H. Drakeford.

Montgomery, Alabama, January 29, 1923.

Hon. Hugh Merrill,
Speaker of the House,
Montgomery, Ala.
Dear Sir:—

On Monday, February 12, 1923, the Veterans' Bureau Hospital near Tuskegee, Alabama, which has cost about \$2,000,000, will be dedicated by Col. Edward Clifford, Assistant Secretary of the Treasury. The dedicatory address will be made by Vice President Coolidge. Governor Brandon will welcome the Vice President to the State of Alabama. Senator Underwood and several others from Washington will be present. Will you do me the kindness to extend to the House of Representatives an invitation to be present? Immediately upon the dedication of the Hospital, it will be turned over to the Veterans' Bureau.

Respectfully,

R. E. Steiner,
Department Commander, American Legion.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dowdle (with notice and proof) :

H. 236. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

Local Legislation.

Notice and proof H. 236 :

NOTICE.

To whom it may concern: This is to certify that application will be made to the next Legislature to have the act incorporating the town of Pickensville repealed.

J. H. Coleman,
W. R. Rodgers,
W. C. Chapman,
J. W. Coleman,
T. E. Stewart,
Harry Clark,
E. P. Ezell,
W. B. Burgain.

State of Alabama }
Pickens County. }

Before me, a notary public of said county, came Ben. I. Rapport who swears that he is the publisher of the Pickens County Herald a newspaper published in Carrollton, Pickens county, Alabama, and the attached publication appeared in the Pickens County Herald three consecutive weeks, first week in the issue of December 28th, 1922, second week in the issue of January 4th, 1923, third week in the issue of January 11th, 1923.

(s) Ben I. Rapport.

Sworn to and subscribed before me this the 26th day of January, 1923.

(x) Jack M. Pratt,
Notary Public.

By Mr. Love:

H. 237. To provide and create a commission form of government and to adopt the same in all cities in the State of Alabama, which now have, or which may hereafter have, a population of more than eight thousand and not more than ten thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election and appointment of commissioners and fix their term of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise to provide for the creation and maintenance of said commission form of government; and the impeachment of said commissioners.

Revision of Laws.

By Mr. Long:

H. 238. To amend Section 7514 of the Code of 1907.
Judiciary.

By Mr. Goodwyn:

H. 239. To provide for an Alabama Confederate Monument at Gettysburg.
Pensions and Soldiers' Home.

By Mr. Fite:

H. 240. To fix the compensation of members of the Board of Revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Claims and Fees.

By Mr. Verner:

H. 241. To amend Section 3467 of the Code of Alabama.
Judiciary.

By Mr. Verner:

H. 242. To authorize Circuit Court Judges, where the judicial district is composed of one county and has but one Judge, to appoint a regular court bailiff, and provide his term of office and salary.

Judiciary.

By Mr. Elliott:

H. 243. To amend Section 12 of an act entitled "An Act to establish and provide for state-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals," approved February 7, 1919.

Agriculture.

By Mr. Elliott:

H. 244. To provide for the imposition of an additional penalty on all defendants convicted in any of the criminal courts of this State and to provide for the collection and disposition of such additional penalty.

Judiciary.

By Mr. Sessions:

H. 245. To regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors, and to Secretary of State.

Privileges and Elections.

BILLS OF SECOND READING.

Mr. Merrill, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

H. 233. To fix the per diem or compensation of members of all Recess Committees appointed by Joint Resolution of the two Houses of the Legislature.

Mr. St. John, Chairman of the Standing Committee on Corporations, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

H. 221. To authorize the increase of the Capital Stock or shares of building and loan associations organized under the laws of this State.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

S. 49. To amend Section 5439 of the Code of Alabama of 1907.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 149. Empowering the Clerk of the Circuit Court of the County of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the Judge of the County Court.

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County jails during the fiscal year ending September 30, 1922, and which are unpaid.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with substitute:

H. 50. To amend an Act entitled an act "To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have been abolished, except in counties having a population of fifty thousand or more

according to the last Federal census, and to define the powers, jurisdiction and duties of all the county courts which are hereby re-established, and of all county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined, and appeals taken therefrom and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to repeal all laws, whether local, general, or special in conflict with this act;" to eliminate the county of Autauga from the operation of said act; to provide for the disposition of all cases pending in the county court of Autauga at the time of the passage and approval of this act; to eliminate the salary of the judge of the county court, of Autauga County and to abolish the County Court of Autauga County.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. B. 162. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

H. 174. To relieve the Tax Assessor of Morgan County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

H. 200. To fix the salary of the Deputy Solicitor for Butler County, Alabama.

H. 230. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and

duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

ADVERSE BILLS.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered that the same be returned to the House with an adverse report:

S. 6. To provide for the organization, regulation and government of the State Bar, including admissions and disbarment of lawyers.

The above and foregoing bill was read a second time and placed upon the Adverse Calendar.

REPORT OF RULES COMMITTEE.

Mr. Goodwyn, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

By Mr. Ashcraft of Lauderdale:

H. R. 9. Whereas, doubt has been expressed as to the constitutionality of the statutes exempting from taxation the property of certain corporations owning large interests in the State of Alabama;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, That the Attorney General of the State of Alabama be, and he hereby is, requested to investigate the constitutionality and validity of said acts, and report his opinion to the Senate and House.

And the resolution was adopted.

By Mr. Long:

H. R. 31. Resolved that, H. 165, by Mr. Ashcraft of Lauderdale (By request), (with substitute), To provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama, be made a special order for next Legislative Day immediately after call of counties for local bills.

And the resolution was adopted.

BILLS ON THIRD READING.

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of

mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

Was read a third time at length and passed.

Yeas, 72; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Hatter	Ringer
Adams	Cook	Hawkins	Rives
Adcock	Culver	Henley	Rountree
Allen	Cunningham	Hodgson	Russell
Arrington	Deloney	Hornsby	St. John
Ashcraft (Fayette)	Dickinson	Howard	Sessions
Ashcraft (Lauderdl.)	Dowdle	Howze	Smith (Clay)
Bealle	Elliott	Jeter	Smith (Jefferson)
Blackwell	Fanning	Jones	Stewart (Calhoun)
Bowen, Lewis	Fite	Lee	Thompson (Etowah)
Bowen, L. K.	Forman	Letson	Tiller
Boykin	Gaines	Luck	Tyson
Burns	Glass	Norman	Verner
Burton	Glenn	Odom	Walker
Byars	Glover	Parker	Wall
Calloway	Goode	Patterson	Ware
Cato	Grove	Poole	Wyatt
Christian	Hall	Posey	Young

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S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hornsby	Ringer
Adams	Dickinson	Howard	Rives
Adcock	Fanning	Howze	Sanders (Pike)
Allen	Fite	Hubbard	Sessions
Ashcraft (Fayette)	Forman	Jeter	Smith (Clay)
Ashcraft (Lauderdl.)	Gaines	Jones	Smith (Jefferson)
Bealle	Glass	Lee	Smith (Lee)
Blackwell	Glenn	Letson	Stewart (Calhoun)
Bowen, Lewis	Glover	Love	Thompson (Etowah)
Bowen, L. K.	Goode	Melton	Tiller
Boykin	Grove	Mooneyham	Tyson
Byars	Guy	Norman	Verner
Calloway	Hall	Odom	Wall
Christian	Hatter	Parker	Walton
Coleman	Hawkins	Patterson	Ware
Cook	Henley	Pickens	Wyatt
Culver	Henson	Poole	Young
Cunningham	Hodgson	Posey	

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MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted :

H. J. R. 36. Relative to adjournment of the two Houses until Friday, February 2nd, 1923, at 10 o'clock A. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bill and returns same herewith to the House :

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas :

Messrs :

Mr. Speaker	Deloney	Jeter	Smith (Clay)
Adams	Dickinson	Jones	Smith (Jefferson)
Adcock	Dowdle	Kilpatrick	Stewart (Calhoun)
Allen	Dunwoody	Letson	Thompson (Etowah)
Ashcraft (Fayette)	Fanning	Long	Thompson (Jackson)
Bealle	Forman	Love	Tiller
Blackwell	Glass	Melton	Tunstall
Bowen, Lewis	Glenn	Mooneyham	Tyson
Bowen, L. K.	Glover	Norman	Varnier
Boykin	Goode	Odom	Verner
Burns	Graves	Parker	Walker
Burton	Hampton	Poole	Wall
Byars	Henley	Posey	Walton
Calloway	Henson	Powell	Ware
Christian	Hodgson	Ringer	Williams
Coleman	Howard	Rives	Wyatt
Cook	Howze	Sanders (Pike)	Young
Cunningham	Hubbard	Sessions	

S. 38. To create and establish a board of county commissioners in and for Madison County, Alabama, in the place and stead of the board of revenue of Madison county now existing, in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners; fixing their compensation, conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing of the holding of monthly meetings of said board of commissioners and providing for the repeals of all laws in conflict with this act; provided for the appointment, nomination and election of said board of commissioners.

Was read a third time at length and passed.

Yeas, 72; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Hodgson	Parker
Adams	Ferrell	Hornsby	Powell
Adcock	Fite	Howard	Ringer
Allen	Forman	Howze	Rives
Arrington	Gaines	Hubbard	St. John
Bealle	Glass	Jeter	Sanders (Pike)
Bowen, L. K.	Glenn	Jones	Sessions
Boykin	Glover	Lee	Tiller
Burns	Goode	Letson	Tunstall
Burton	Goodwyn	Long	Tyson
Byars	Graves	Love	Varner
Cato	Grove	Luck	Verner
Cook	Guy	Melton	Walker
Culver	Hall	Moorer	Wall
Deloney	Hampton	Moxley	Walton
Dowdle	Hatter	Nichols	Ware
Elliott	Henley	Norman	Wyatt
Embry	Henson	Odom	Young

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H. 99 (with substitute). To amend an Act entitled an Act "To provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensation;" to abolish the office of Deputy Solicitor for Autauga County; to prohibit the Circuit Solicitor from appointing a Deputy Solicitor, or Assistant Solicitor, for the County of Autauga; and to provide for the discharge of the duties heretofore devolving upon the Deputy Solicitor, or Assistant Solicitor for

said County; and to prohibit the payment of any compensation to such Deputy Solicitor.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws, said substitute being as follows:

SUBSTITUTE FOR HOUSE BILL NO. 99.

A bill to be entitled an Act to abolish the office of Deputy Solicitor for Autauga County; to prohibit the Circuit Solicitor from appointing a Deputy Solicitor, or Assistant Solicitor, for the County of Autauga; and to provide for the discharge of the duties heretofore devolving upon the Deputy Solicitor, or Assistant Solicitor, for said county; and to prohibit the payment of any compensation to such Deputy Solicitor.

Be it enacted by the Legislature of Alabama:

1. That on and after the passage and approval of this act the office of deputy solicitor, or assistant solicitor, for Autauga County, be and the same is hereby abolished.

2. That all duties now required by law to be discharged or performed by the Deputy Solicitor, or County Solicitor, of Autauga County, shall be discharged or performed by the Circuit Solicitor of the Judicial Circuit, of which Autauga County is a part.

3. That no Circuit Solicitor of any circuit of which Autauga County is a part has authority to appoint a Deputy Solicitor, or Assistant Solicitor, for said county.

4. That on and after the passage of this act, no compensation, or other remuneration shall be paid out of the county treasury, or otherwise, by Autauga County, to any person holding by appointment, or otherwise, the office of Deputy Solicitor, or Assistant Solicitor, for said county.

5. That all laws, general, special, or otherwise, in conflict with this act be and the same are hereby expressly repealed so far as Autauga County is concerned.

6. That this act shall go into effect immediately upon its passage and approval.

And the substitute was adopted.

Yeas, 72; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Cook	Elliott
Adams	Burton	Culver	Embry
Bealle	Byars	Cunningham	Fanning
Blackwell	Calloway	Deloney	Ferrell
Bowen, Lewis	Cato	Dickinson	Fite
Bowen, L. K.	Christian	Dowdle	Forman
Boykin	Coleman	Dunwoody	Gaines

Glass	Kilpatrick	St. John	Tunstall
Glenn	Lee	Sanders (Pike)	Tyson
Glover	LeMaistre	Sessions	Varner
Goode	Letson	Smith (Clay)	Verner
Goodwyn	Long	Smith (Jefferson)	Walker
Graves	Love	Smith (Lee)	Wall
Grove	Luck	Snodgrass	Walton
Guy	Melton	Sollie	Ware
Hall	Mooneyham	Stewart (Bibb)	Williams
Jeter	Moorer	Stewart (Calhoun)	Wyatt
Jones	Moxley	Tiller	Young

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And the bill:

H. 99. To amend an Act entitled an Act "To provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensation;" to abolish the office of Deputy Solicitor for Autauga County; to prohibit the Circuit Solicitor from appointing a Deputy Solicitor, or Assistant Solicitor, for the County of Autauga; and to provide for the discharge of the duties heretofore devolving upon the Deputy Solicitor, or Assistant Solicitor for said County; and to prohibit the payment of any compensation to such Deputy Solicitor.

As amended by the substitute, was read a third time at length and passed.

Yeas, 72; nays, 0.

Messrs:

Mr. Speaker	Ferrell	Jeter	Posey
Adams	Fite	Jones	Powell
Adcock	Forman	Lee	Ringer
Allen	Gaines	LeMaistre	Rives
Arrington	Glass	Letson	Rountree
Cato	Glenn	Long	Russell
Christian	Glover	Love	St. John
Coleman	Goode	Luck	Sollie
Cook	Goodwyn	Melton	Tiller
Culver	Graves	Moorer	Tyson
Cunningham	Grove	Moxley	Varner
Deloney	Guy	Nichols	Verner
Dickinson	Hall	Norman	Walker
Dowdle	Hodgson	Odom	Wall
Dunwoody	Hornsby	Parker	Walton
Elliott	Howard	Patterson	Ware
Embry	Howze	Pickens	Wyatt
Fanning	Hubbard	Poole	Young

—72

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was lo-

cated, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, where and as made, by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hawkins	Poole
Adams	Dickinson	Henley	Ringer
Adcock	Dowdle	Henson	Rives
Ashcraft (Fayette)	Dunwoody	Hodgson	Russell
Ashcraft (Lauderd')	Embry	Hornsby	St. John
Bealle	Fanning	Howard	Sanders (Pike)
Blackwell	Ferrell	Howze	Sessions
Bowen, Lewis	Fite	Hubbard	Smith (Clay)
Bowen, L. K.	Forman	Jeter	Smith (Jefferson)
Boykin	Gaines	Lee	Stewart (Bibb)
Burton	Glass	Letson	Stewart (Calhoun)
Byars	Glover	Love	Thompson (Etowah)
Cato	Goode	Melton	Thompson (Jackson)
Christian	Graves	Moorer	Tyson
Coleman	Grove	Norman	Walker
Cook	Guy	Odom	Williams
Culver	Hampton	Parker	Wyatt
Cunningham	Hatter	Patterson	

—71

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Fanning	Goode
Adams	Cunningham	Ferrell	Goodwyn
Bealle	Deloney	Fite	Graves
Blackwell	Dickinson	Forman	Grove
Bowen, Lewis	Dowdle	Gaines	Guy
Bowen, L. K.	Dunwoody	Glass	Hall
Boykin	Elliott	Glenn	Hodgson
Cook	Embry	Glover	Hornsby

Howard	Love	Posey	Sollie
Howze	Luck	Powell	Tyson
Hubbard	Melton	Ringer	Walker
Jeter	Moorer	Rives	Wall
Jones	Moxley	Rountree	Walton
Kilpatrick	Odom .	Russell	Ware
Lee	Parker	St. John	Williams
LeMaistre	Patterson	Sessions	Wyatt
Letson	Pickens	Smith (Jefferson)	Young
Long	Poole	Snodgrass	

—71

And the bill H. 121 was ordered sent to the Senate without engrossment.

H. 6. To provide for the election of a county superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 55; nays, 3.

Yeas:

Messrs:

Adams	Deloney	Henley	Patterson
Adcock	Dowdle	Henson	Poole
Allen	Dunwoody	Hornsby	Ringer
Ashcraft (Fayette)	Elliott	Howze	Rives
Blackwell	Fanning	Hubbard	Sanders (Pike)
Bowen, L. K.	Ferrell	Kilpatrick	Sessions
Boykin	Forman	Lee	Smith (Jefferson)
Burns	Glass	Letson	Stewart (Calhoun)
Burton	Glover	Long	Thompson (Etowah)
Byars	Goode	Love	Tyson
Calloway	Graves	Melton	Williams
Christian	Hall	Mooneyham	Wyatt
Coleman	Hampton	Odom	Young
Cook	Hawkins	Parker	

—55

Nays:

Messrs:

Mr. Speaker	Jones	LeMaistre	—3
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And the bill was ordered sent forthwith to the Senate without engrossment.

H. 34. For the relief of George W. Courson, former constable of Precinct 9, Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Adcock	Boykin	Burton
Adams	Allen	Burns	Byars

Cato	Hall	Luck	Sessions
Cook	Hatter	Melton	Smith (Lee)
Deloney	Henley	Moorer	Snodgrass
Embry	Henson	Moxley	Sollie
Fanning	Hodgson	Nichols	Tiller
Ferrell	Hornsby	Odom	Tunstall
Fite	Howard	Parker	Tyson
Forman	Howze	Pickens	Varner
Gaines	Jeter	Poole	Verner
Glass	Jones	Posey	Walker
Glenn	Kilpatrick	Fowell	Wall
Glover	Lee	Ringer	Walton
Goode	LeMaistre	Rives	Ware
Graves	Letson	Rountree	Wyatt
Grove	Long	Russell	Young
Guy	Love	St. John	

—71

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama and to prescribe the area included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary lines and to describe the area included in the city limits for school purposes and as a school district composed of the city of Talladega, Alabama.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hodgson	Powell
Adams	Elliott	Hornsby	Ringer
Adcock	Fanning	Howard	Rives
Allen	Ferrell	Howze	Russell
Arrington	Fite	Jeter	St. John
Bealle	Gaines	Jones	Sessions
Blackwell	Glass	Lee	Snodgrass
Boykin	Glenn	Letson	Sollie
Burns	Glover	Love	Tiller
Burton	Goode	Luck	Tyson
Byars	Graves	Melton	Verner
Cato	Grove	Moorer	Wall
Christian	Guy	Moxley	Walton
Coleman	Hall	Nichols	Ware
Cook	Hatter	Odom	Williams
Deloney	Hawkins	Pickens	Wyatt
Dickinson	Henley	Poole	Young
Dowdle	Henson	Posey	

—71

S. 35. To amend an act entitled "An act to amend sections 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

Was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Lee	Russell
Adams	Ferrell	Letson	St. John
Adcock	Fite	Long	Sanders (Pike)
Allen	Gaines	Love	Sessions
Arrington	Glass	Luck	Smith (Lee)
Bealle	Glover	Melton	Snodgrass
Boykin	Goode	Mooneyham	Sollie
Burns	Graves	Moorer	Stewart (Bibb)
Burton	Grove	Nichols	Tiller
Byars	Guy	Odom	Tunstall
Cato	Hall	Parker	Tyson
Christian	Hatter	Patterson	Verner
Coleman	Henley	Pickens	Wall
Cook	Henson	Poole	Ware
Culver	Howard	Posey	Williams
Deloney	Howze	Ringer	Wyatt
Dickinson	Jeter	Rives	Young
Dowdle			

—69

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

Was taken up. Mr. Patterson offered the following amendment to the bill:

Amend the bill by striking out the title, and insert in lieu thereof the following: S. 17. To validate certain bonds heretofore issued by municipal corporations in Alabama.

And the amendment was adopted.

Yeas, 70; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burton	Elliott	Goode
Adams	Byars	Embry	Graves
Adcock	Cato	Fanning	Grove
Allen	Christian	Ferrell	Guy
Arrington	Cook	Fite	Hall
Bealle	Culver	Gaines	Hatter
Blackwell	Deloney	Glass	Henley
Boykin	Dickinson	Glenn	Henson
Burns	Dowdle	Glover	Hornsby

Howard	Melton	Ringer	Tyson
Howze	Moorer	Rives	Varner
Jeter	Moxley	Russell	Verner
Jones	Nichols	St. John	Wall
Lee	Norman	Sessions	Walton
Letson	Odom	Snodgrass	Ware
Long	Pickens	Sollie	Williams
Love	Poole	Tiller	Wyatt
Luck	Posey		

—70

And the bill:

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

As amended, was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Ringer
Adams	Dowdle	Howze	Rives
Adcock	Elliott	Jeter	Russell
Allen	Ferrell	Jones	St. John
Arrington	Fite	Lee	Sessions
Bealle	Glass	Letson	Snodgrass
Blackwell	Glenn	Long	Sollie
Boykin	Glover	Love	Tiller
Burns	Goode	Luck	Tyson
Burton	Graves	Melton	Varner
Byars	Guy	Moorer	Verner
Cato	Hall	Moxley	Wall
Christian	Hatter	Odom	Walton
Coleman	Hawkins	Parker	Ware
Cook	Henley	Posey	Wyatt
Culver	Henson	Powell	Young
Deloney	Hornsby		

—66

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas :

Messrs :

Mr. Speaker	Dunwoody	Howard	Posey
Adams	Elliott	Howze	Ringer
Adcock	Ferrell	Jeter	Rives
Allen	Fite	Jones	Rountree
Arrington	Gaines	Lee	Russell
Bealle	Glass	Letson	St. John
Blackwell	Glenn	Long	Sessions
Boykin	Glover	Love	Sollie
Burns	Goode	Luck	Tunstall
Burton	Graves	Melton	Tyson
Byars	Grove	Moorer	Varner
Calloway	Guy	Moxley	Verner
Cato	Hall	Nichols	Walker
Christian	Hatter	Odom	Wall
Coleman	Hawkins	Parker	Walton
Cook	Henley	Patterson	Ware
Culver	Henson	Pickens	Williams
Deloney	Hornshy	Poole	Wyatt
Dowdle			

—73

H. 125. To amend an act entitled, "An act to establish an Inferior Criminal court for Jefferson county, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Was taken up. Mr. Fite offered the following amendment to the bill:

1. Amend Sec. 4 by striking out the words "five thousand (\$5,000.00)" where they appear therein and inserting in lieu thereof the words "four thousand eight hundred" and by striking out the words "four hundred and sixteen dollars and sixty-five cents (\$416.65) where they appear and insert in lieu thereof the words "four hundred (\$400.00)."

And the amendment was adopted.

Yeas, 71; nays, 0.

Yeas :

Messrs :

Mr. Speaker	Arrington	Burns	Cato
Adams	Bealle	Burton	Coleman
Adcock	Blackwell	Byars	Cook
Allen	Boykin	Calloway	Culver

Deloney	Guy	Moorer	Snodgrass
Dickinson	Hall	Moxley	Sollie
Dowdle	Hawkins	Nichols	Tiller
Embry	Henley	Odom	Tyson
Fanning	Henson	Parker	Varner
Ferrell	Hodgson	Pickens	Verner
Fite	Jeter	Poole	Walker
Gaines	Jones	Posey	Wall
Glass	Lee	Ringer	Walton
Glenn	Letson	Rives	Ware
Glover	Long	Russell	Williams
Goode	Love	St. John	Wyatt
Graves	Luck	Sanders (Pike)	Young
Grove	Melton	Sessions	

—71

Mr. Fite offered the following amendment to the bill:

2. Amend Section 6 by striking out the words "twenty-four hundred (\$2400)" and insert in lieu thereof "eighteen hundred (\$1800.00)," and by striking out the words "two hundred (\$200.00)" and insert in lieu thereof "one hundred fifty (\$150.00);" and by striking out the words "eighteen hundred (\$1800.00)."

And the amendment was adopted.

Yeas, 71; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Elliott	Hornsby	Posey
Adams	Fanning	Howard	Ringer
Adcock	Ferrell	Howze	Rives
Allen	Fite	Jeter	Russell
Arrington	Forman	Jones	St. John
Bealle	Gaines	Lee	Sessions
Boykin	Glass	Letson	Sollie
Burns	Glenn	Long	Tiller
Burton	Glover	Love	Tunstall
Byars	Goode	Luck	Varner
Calloway	Graves	Melton	Verner
Cato	Grove	Moorer	Walker
Christian	Guy	Nichols	Wall
Coleman	Hall	Norman	Ware
Cook	Hatter	Odom	Williams
Culver	Hawkins	Parker	Wyatt
Deloney	Henley	Pickens	Young
Dowdle	Hodgson	Poole	

—71

Mr. Fite offered the following amendment to the bill:

Strike out Section 10 and insert in lieu thereof the following Section:

Section 10. That Section seventeen (17) of said Act is amended to read as follows:

Section 17. That the judge of the said court shall have the power and authority to appoint four exec-

utive officers who shall hold office during the pleasure of the judge, and the constable of precinct 37 shall be one of the executive officers and shall be ex-officio marshal of said court of misdemeanors. And the duties of the four executive officers shall be to execute all processes of said court entrusted to them; to make such investigation of crime as shall be required of them by the judge of said court, and shall perform any other duties that may be necessary to detect and prosecute crime in Jefferson County. That said executive officers shall be designated and known as marshals of Jefferson County court of misdemeanors, and each shall receive an annual salary of Fifteen Hundred (\$1500.00) dollars, to be paid out of the county treasury of Jefferson County, Alabama, in equal monthly installments, upon warrants drawn by the judge of said court upon the county treasurer of said county.

And the amendment was adopted.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Hornsby	Rives
Adams	Fanning	Howard	Rountree
Adcock	Ferrell	Howze	Russell
Allen	Fite	Jeter	St. John
Bealle	Forman	Jones	Sessions
Blackwell	Gaines	Lee	Snodgrass
Boykin	Glass	Letson	Sollie
Burns	Glenn	Long	Tiller
Burton	Glover	Love	Tunstall
Byars	Goode	Luck	Tyson
Calloway	Graves	Melton	Varner
Cato	Grove	Mooneyham	Walker
Christian	Guy	Moorer	Wall
Coleman	Hall	Odom	Walton
Cook	Hatter	Parker	Ware
Culver	Hawkins	Pickens	Williams
Dickinson	Henley	Poole	Wyatt
Dowdle	Henson	Powell	

—71

And the bill:

H. 125. To amend an act entitled "An act to establish an Inferior Criminal Court for Jefferson county, Ala.; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and author-

ity, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

As amended, was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howard	Ringer
Adams	Embry	Howze	Rives
Adcock	Fanning	Hubbard	Russell
Allen	Ferrell	Jeter	St. John
Arrington	Fite	Lee	Sessions
Bealle	Gaines	Letson	Snodgrass
Blackwell	Glass	Long	Sollie
Boykin	Glenn	Love	Tiller
Burns	Glover	Luck	Tyson
Burton	Goode	Melton	Varner
Byars	Graves	Moorer	Verner
Calloway	Grove	Moxley	Wall
Cato	Guy	Nichols	Walton
Cook	Hall	Odom	Ware
Culver	Hatter	Parker	Williams
Deloney	Hawkins	Poole	Wyatt
Dickinson	Henson	Posey	Young
Dowdle	Hodgson	Powell	

—71

And the bill H. 125 was ordered sent to the Senate without engrossment.

By Mr. Bowen:

H. 179 (with amendment). To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census; or which shall have such population according to any such census that may be hereafter taken, special funds to be known as policemen's pension and relief funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein,

the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Municipal Organization, said Committee amendment being as follows:

Amend Section 10 by striking therefrom the words "during his residence in the City of Birmingham," where said words appear in said Section.

Amend Section 12 by striking therefrom the words "twenty years," where said words appear in said Section and by inserting in lieu thereof the words "twenty-five years."

And the amendment was adopted.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henson	Pickens
Adams	Dowdle	Hodgson	Poole
Adcock	Dunwoody	Hornsby	Posey
Allen	Elliott	Howard	Ringer
Arrington	Ferrell	Howze	Rives
Bealle	Fite	Jeter	Russell
Blackwell	Gaines	Lee	St. John
Boykin	Glass	Letson	Sessions
Burns	Glenn	Long	Snodgrass
Burton	Glover	Love	Sollie
Byars	Goode	Luck	Tiller
Calloway	Graves	Melton	Tyson
Cato	Grove	Moorer	Varner
Christian	Guy	Moxley	Walker
Coleman	Hall	Nichols	Wall
Cook	Hatter	Norman	Ware
Culver	Hawkins	Odom	Williams
Deloney	Henley	Parker	

And the bill:

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal Census; or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise, to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

As amended, was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams

Adcock
Allen

Arrington
Bealle

Blackwell
Boykin

Burns	Glass	Letson	Russell
Burton	Glenn	Long	Sessions
Byars	Glover	Love	Smith (Lee)
Cato	Goode	Luck	Snodgrass
Christian	Goodwyn	Melton	Sollie
Coleman	Graves	Mooneyham	Tiller
Cook	Grove	Moxley	Tunstall
Culver	Guy	Nichols	Tyson
Deloney	Hall	Norman	Varner
Dickinson	Hatter	Odom	Verner
Dowdle	Hawkins	Pickens	Wall
Elliott	Henley	Poole	Walton
Fanning	Howze	Posey	Ware
Ferrell	Jeter	Powell	Williams
Fite	Jones	Rives	Wyatt
Gaines	Lee	Rountree	

—71

And the bill H. 179 was ordered sent to the Senate without engrossment.

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hawkins	Poole
Adams	Dunwoody	Henley	Posey
Adcock	Elliott	Henson	Powell
Allen	Embry	Hornsby	Ringer
Arrington	Fanning	Howze	Russell
Bealle	Ferrell	Jeter	Sessions
Blackwell	Fite	Jones	Sollie
Bowen, L. K.	Forman	Lee	Tiller
Boykin	Gaines	Letson	Tyson
Burns	Glass	Long	Varner
Burton	Glenn	Love	Verner
Byars	Glover	Luck	Wall
Calloway	Goode	Moorer	Walton
Cato	Graves	Nichols	Ware
Cook	Grove	Norman	Williams
Culver	Guy	Odom	Wyatt
Deloney	Hall	Parker	Young
Dickinson	Hatter	Pickens	

—71

And the bill H. 188 was ordered sent to the Senate without engrossment.

H. 127. To make it unlawful for any one to move or disturb the body of a person, or his personal effects whose death is due to violence, before an inquest by the coronor, or except on his order, or the order of his assistant, or the order of the sheriff,

or order of the solicitor, or order of a Circuit Judge; to make it the duty of the sheriff to execute any and all processes directed to him by the coroner, in the discharge of his official duties; to empower the coroner to perform autopsies upon the bodies of persons who have died by violence, when necessary to ascertain the cause of death, or to obtain evidence which he reasonably believes will become admissible as against any person inflicting the wound or wounds which caused the death of said person; to authorize any person to pick up and secure the body of any deceased person found in the waters or streams of the counties embraced in this act, and to further provide for the compensation of such persons for so doing; and to provide that this Act shall apply to all counties in the State of Alabama having more than two hundred thousand population according to the last or any succeeding Federal Census; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Rives
Adams	Elliott	Howze	Pountree
Adcock	Embry	Jeter	Russell
Allen	Fanning	Jones	St. John
Arrington	Ferrell	Lee	Sessions
Bealle	Fite	Letson	Snodgrass
Blackwell	Gaines	Long	Sollie
Boykin	Glass	Love	Tunstall
Burns	Glover	Luck	Tyson
Burton	Goode	Melton	Vарner
Byars	Graves	Moorer	Verner
Cato	Guy	Nichols	Wall
Coleman	Hall	Odom	Walton
Cook	Hatter	Parker	Ware
Culver	Hawkins	Pickens	Williams
Deloney	Henley	Poole	Wyatt
Dickinson	Henson	Posey	Young
Dowdle	Hornsby	Ringer	

—71

H. 120. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than Two Hundred Thousand population, according to the last or any succeeding Federal Census, and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Adcock	Arrington	Blackwell
Adams	Allen	Bealle	Boykin

Burns	Fite	Jones	Russell
Burton	Glass	Lee	Sessions
Byars	Glenn	Letson	Smith (Clay)
Calloway	Glover	Love	Smith (Lee)
Cato	Goode	Luck	Snodgrass
Christian	Graves	Melton	Sollie
Coleman	Grove	Moorer	Tiller
Cook	Guy	Moxley	Varner
Culver	Hall	Nichols	Verner
Deloney	Hatter	Norman	Wall
Dickinson	Henley	Odom	Walton
Dowdle	Henson	Parker	Ware
Dunwoody	Hornsby	Poole	Williams
Elliott	Howard	Posey	Wyatt
Fanning	Howze	Ringer	Young
Ferrell	Jeter	Rives	

—71

H. 109. To repeal an act entitle "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal service rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Adams	Dowdle	Hornsby	Powell
Adcock	Elliott	Howard	Ringer
Allen	Embry	Howze	Russell
Arrington	Fanning	Jeter	St. John
Bealle	Ferrell	Jones	Sanders (Pike)
Blackwell	Fite	Lee	Sessions
Boykin	Glass	Letson	Snodgrass
Burns	Glenn	Long	Sollie
Burton	Glover	Luck	Tiller
Byars	Goode	Melton	Tunstall
Calloway	Grove	Moorer	Tyson
Cato	Guy	Moxley	Varner
Christian	Hall	Nichols	Walker
Coleman	Hampton	Norman	Ware
Cook	Hatter	Odom	Williams
Culver	Henley	Parker	Wyatt
Deloney	Henson	Pickens	Young
Dickinson	Hodgson	Poole	

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ADJOURNMENT.

Under a Joint Resolution heretofore adopted, on motion of Mr. Sessions, the House adjourned until February 2nd, at 10 o'clock A. M.

TWELFTH DAY.

House of Representatives,
Friday, February 2nd, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rabbi Schwartz of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	St. John
Adams	Fanning	Kilpatrick	Sanders (Conecuh)
Adcock	Ferrell	Lee	Sanders (Pike)
Allen	Fite	LeMaistre	Sessions
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Fayette)	Gaines	Long	Smith (Jefferson)
Ashcraft (Lauderd ¹)	Glass	Love	Smith (Lee)
Bealle	Glenn	Luck	Snodgrass
Blackwell	Glover	Melton	Sollie
Bowen, Lewis	Goode	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Moorer	Stewart (Calhoun)
Boykin	Graves	Moxley	Thompson (Etowah)
Burns	Grove	Nichols	Thompson (Jackson)
Burton	Guy	Norman	Tiller
Byars	Hall	Odom	Tunstall
Calloway	Hampton	Parker	Tyson
Cato	Hatter	Patterson	Varner
Christian	Hawkins	Pickens	Verner
Coleman	Henley	Poole	Walker
Cook	Henson	Posey	Wall
Culver	Hodgson	Powell	Walton
Cunningham	Hornsby	Ringer	Ware
Deloney	Howard	Rives	Mrs. Wilkins
Dickinson	Howze	Rountree	Williams
Dowdle	Hubbard	Russell	Wyatt
Dunwoody	Jeter	Rutherford	Young
Elliott			

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Eleventh Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Eleventh Day was approved.

House of Representatives,
Montgomery, Alabama.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that they have examined the following House bills:

H. 120. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than Two Hundred Thousand population, according to the last or any succeeding Federal Census, and to provide for the payment of such compensation.

Also:

H. 127. To make it unlawful for any one to move or disturb the body of a person, or his personal effects, whose death is due to violence, before an inquest by the coroner, or except on his order, or the order of his assistant, or the order of the sheriff, or order of the solicitor, or order of a circuit judge; to make it the duty of the sheriff to execute any and all processes directed to him by the coroner, in the discharge of his official duties; to empower the coroner to perform autopsies upon the bodies of persons who have died by violence, when necessary to ascertain the cause of death, or to obtain evidence which he reasonably believes will become admissible as against any person inflicting the wound or wounds which caused the death of said person; to authorize any person to pick up and secure the body of any deceased person found in the waters or streams of the counties embraced in this act, and to further provide for the compensation of such person for so doing; and to provide that this Act shall apply to all counties in the State of Alabama having more than two hundred thousand population according to the last or any succeeding Federal census; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Also:

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the

records thereof have been destroyed by fire and to provide the mode of proving the same.

Also:

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Also:

H. 99. To abolish the office of Deputy Solicitor for Autauga County; to prohibit the Circuit Solicitor from appointing a Deputy Solicitor, or Assistant Solicitor for the County of Autauga, and to provide for the discharge of duties heretofore devolving upon the Deputy Solicitor, or Assistant Solicitor for said county; and to prohibit the payment of any compensation to such Deputy Solicitor.

Also:

H. 34. For the relief of George W. Courson, former constable of Precinct 9, Jefferson County, Alabama.

Also:

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal service rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin. Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

And find same correct.

Lee Glenn,
Chairman Engrossed Bills Committee.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjuster and boards of county tax adjusters.

J. E. Speight,
Secretary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill and House Joint Resolutions:

H. J. R. 16. That a joint committee from the Senate and the House of Representatives of Alabama is hereby authorized

to be appointed to consider educational matters during the recess of the Legislature; and to define its duties and compensations.

Also:

H. J. R. 15. To commend to the President of the United States the Hon. Alfred A. Taylor of Tennessee for appointment to the office of Secretary of the Interior.

Also:

H. J. R. 27. Relative to the endorsement of the Hon. Oscar W. Underwood of Birmingham, by the House of Representatives of Alabama, for President of the United States.

Also:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill and House Joint Resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill and House Joint Resolutions hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

H. J. R. 16. That a joint committee from the Senate and the House of Representatives of Alabama is hereby authorized to be appointed to consider educational matters during the recess of the Legislature; and to define its duties and compensations.

Also:

H. J. R. 15. To commend to the President of the United States the Hon. Alfred A. Taylor of Tennessee for appointment to the office of Secretary of the Interior.

Also:

H. J. R. 27. Relative to the endorsement of the Hon. Oscar W. Underwood of Birmingham, by the House of Representatives of Alabama, for President of the United States.

Also:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and con-

tagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

February 2nd, 1923, 11:35 A. M.

J. H. Stewart,
Clerk.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 40. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today, they stand adjourned till Tuesday, February 6, 10 o'clock A. M.

Rules suspended and resolution adopted.

By Mr. Grove:

H. J. R. 41. Be it resolved by the Senate, the House concurring, that a joint committee of five (5), two (2) from the Senate, to be appointed by the President of the Senate, and three (3) from the House, to be appointed by the Speaker of the House, sit during the recess of the Legislature to investigate and examine into and report back to the Legislature, at its adjourned session, the conservation laws of the State of Alabama relating to the natural resources of the State:

Viz: Forestry, sea-foods, oysters, saltwater fish—game and fish, and other natural resources of the State that demand the State's protection.

The committee shall receive their per diem and such expenses in making said investigation, examination, and reports as are necessary in prosecuting their duties, said per diem and expense to be paid out of the Game and Fish Protection Fund in the State Treasury to the credit of the Department of Conservation, State of Alabama.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. R. 42. Resolved by the Rules Committee of the House that the clerks to committees shall be on duty at the capitol during the hours in which the House is in session, unless excused by their Chairman, and at such other times as the Committees to which they are assigned are in session, and when their services may be needed.

Resolved further that the Clerk of the House shall give notice of this resolution to Clerks of all Committees of the House.

Rules suspended and resolution adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dickinson:

H. 246. To amend an Act entitled an Act "To provide for the general revenue of the State of Alabama," approved September 15th, 1919.

Ways, Means and Appropriations.

By Mr. Thompson of Etowah:

H. 247. To prohibit stock from running at large in subdivisions of a voting precinct, or beat or in subdivisions of a county less than a voting precinct or beat in all counties having a population of as much as forty-seven thousand, according to the Federal census of 1920; or according to any subsequent Federal census, and to fix penalties for the violation of this Act.

Revision of Laws.

By Mr. Glover:

H. 248. To abolish the office of Jury Commission in the several counties of Alabama, and to provide for the discharge of all duties heretofore imposed upon jury commissioners by courts of County Commissioners, Boards of Revenue, or other body of like jurisdiction, in the several counties of the State.

Judiciary.

By Mr. Glover:

H. 249. To further provide for the general revenue of the State and to further provide funds for the elementary public schools of the State of Alabama, by levy and collection and disbursement of a special tax on all soft drinks, including Coca-Cola, Chero-Cola, and Lime-Cola sold at retail in the State of Alabama, and to provide penalties for the violation of this Act.

Ways, Means and Appropriations.

By Mr. Fite:

H. 250. To amend Section 2044 of the Code of Alabama.

Pensions and Soldiers' Home.

By Mr. Howze:

H. 251. To amend Section forty of an Act of the Legislature approved September 25, 1915, entitled an Act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment, transfer, or negotiation of such receipts, and to regulate the same.

Judiciary.

By Mr. Howze:

H. 252. To amend Section 47 of an Act of the Legislature approved September 25, 1915, entitled an Act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties

to or connected with the issue, assignment transfer, or negotiation of such receipts, and to regulate the same.

Judiciary.

By Mr. Howze:

H. 253. To amend Section twenty of an Act of the Legislature approved September 25, 1915, entitled an Act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment, transfer, or negotiation of such receipts, and to regulate the same.

Judiciary.

By Mr. Howze:

H. 254. To make uniform the Law of Transfer of Shares of Stock in Corporations.

Corporations.

By Mr. LeMaistre (with notice and proof):

H. 255. To declare a certain portion of Eighth (8th) Street in the City of Florala, Alabama, according to Garrett's Map of Florala shall, upon the passage and approval of this Act, cease to be a public street, and authorize B. H. Meadows, his heirs and assigns, to perpetually use and occupy said portion of said street and vesting the title to same in the said B. H. Meadows.

Local Legislation.

Notice and proof H. 255:

LEGAL NOTICE.

Notice is hereby given that at the 1923 Session of the Legislature of Alabama, a bill will be introduced for passage and enactment into law, the substance of which shall be:

A BILL

To be entitled an Act to declare that a certain portion of Eighth (8th) Street in the City of Florala, Alabama, according to Garrett's Map of Florala shall, upon the passage and approval of this Act, cease to be a public street and authorize B. H. Meadows, his heirs and assigns, to perpetually use and occupy said portion of said street and vesting the title to same in the said B. H. Meadows.

Be it enacted by the Legislature of Alabama:

Section 1. That that certain portion of Eighth (8th) Street in the City of Florala, Alabama, according to Garrett's Map of Florala, and described as follows: a strip of land twenty feet wide off of the East side of said Eighth (8th) Street and extending from Sixth (6th) Avenue to Fifth (5th) Avenue, shall upon the passage and approval of this Act, cease to be a public highway or street, and may be used by and occupied by B. H. Meadows, his heirs and assigns perpetually, and that the title to said strip of land shall be vested in the said B. H. Meadows.

(Signed) B. H. Meadows.

The State of Alabama, }
Covington County. }

Before me, Kate Johnson, a notary public in and for said State and county, personally appeared J. L. Kimbro, who being by me first duly sworn, deposes and says that he is publisher and Editor of the Florala News, a newspaper published in Covington County, Alabama, that the foregoing notice was published in the said Florala News for four consecutive weeks as follows: First insertion appearing in said paper on the 4th day of January, 1923, second insertion appearing on the 11th day of January, 1923, the third insertion appearing on the 18th day of January, 1923, and the fourth insertion appearing on the 25th day of January, 1923.

J. L. Kimbro.

Sworn to and subscribed before me on this, the 27th day of January, 1923.

Kate Johnson,

Notary Public, Covington County, Alabama.

By Mr. Patterson (with notice and proof) :

H. 256. To amend an Act entitled an act to establish a county court for Morgan County, to define its jurisdiction and powers; to provide for its officers, their powers, duties, compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business, prescribing the rules and procedure of said Court, and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court.

Local Legislation.

Notice and prof H. 256 :

Notice is hereby given of intention to apply to the Legislature of Alabama for passage of the following bill:

AN ACT

Entitled an Act to amend an Act entitled an Act to establish a County Court for Morgan County, to define its jurisdiction and powers; to provide for its officers, their powers, duties, compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business, prescribing the rules and procedure of said Court, and to provide for the transfer of causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court.

Section 1: Be it enacted by the Legislature of Alabama that Section 15 of said Act be amended so as to read as follows:

"That in all actions of ejectment, forcible entry and unlawful detainer, and trials for the right of property, and in all civil cases where the amount involved exceeds one hundred dollars, the defendants therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty days after service of such summons and complaint upon them; and in all cases commenced by attachment the defendants shall appear and demur or plead within twenty days after the levy of the attachment, or service of notice thereof; or, in any case where the suit is brought against a non-resident, or whether person upon whom service is had by publication within twenty days after perfection of such service by publication, and in all other cases the defendants must appear and plead within five days after service upon them; and in all cases whether commenced by summons and complaint attachment or otherwise, any defendant failing to appear after service upon him has been perfected, or notice given him

as herein required, shall be held to be in default, and in any time thereafter on motion of the plaintiff judgment by default shall be rendered against him, provided that the Court may for good cause shown allow such judgment so obtained by default to be set aside and demurrers or pleas to be filed on such terms as the Court may think just; provided, however, that in all cases where judgment by default has been rendered against the defendant the plaintiff may execute a writ of inquiry before the Court without the intervention of a jury, and final judgment rendered thereon.

That in all criminal cases the defendant must at the time of his arrest endorse upon his bond a demand for trial by a jury, or must demand the same within thirty days from the date of the approval of his bond by filing a written request with the Clerk of said Court.

Section 2: Be it enacted by the Legislature of Alabama that Section 23 of said Act be so changed as to read as follows: "Said Court shall have jurisdiction in civil cases in all matters where the amount involved does not exceed Two Thousand (\$2,000.00) Dollars, and in all actions of ejectment, and original jurisdiction in actions of forcible entry and unlawful detainer, and trial for the right of property, irrespective of the amount involved, or the value of the property, provided, that in actions of unlawful detainer, the defendant may, within the time allowed for pleading, file an affidavit and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment.

Section 3: Be it enacted by the Legislature of Alabama that Section 12 of said Act be amended so as to read as follows: "The sheriff of Morgan County shall, in person, or by a deputy, or deputies appointed by him, said appointment to be approved by the Judge of said Court, be required to attend upon said court, and preserve order, and execute all writs or process, and perform such other duties, in all respects as in the Circuit Courts of this State, and for himself and each deputy required for attendance upon the sessions of said court, he shall receive the sum of \$3.00 per day payable out of the county treasury upon his warrant, approved by the presiding Judge, provided that the sheriff and his deputies shall not receive pay except for the time that the court is actually in session, and none of which compensation to the deputies shall be shared in by the sheriff.

The State of Alabama, }
Morgan County. }

Before me, W. T. Lowe, Judge of the Morgan County Court, personally appeared D. K. Wiggins, who, after being duly sworn, says that he is the editor and publisher of the Hartselle Enterprise, a weekly newspaper published at Hartselle in Morgan County, Alabama; that the bill and notice attached thereto, which is hereto attached, was published once a week for four consecutive weeks in the said Hartselle Enterprise, a newspaper published in Morgan County, Alabama, as follows: December 28th, 1922, January 4th, 11th, and 18th, 1923.

D. K. Wiggins.

Sworn to and subscribed before me this 22nd day of January, 1923.

W. T. Lowe,

Judge of Morgan County Court.

By Mr. Kilpatrick (By request):

H. 257. To amend Sections 2038 and 2039 of the Code of Alabama.

Pensions and Soldiers' Home.

By Mr. Session (with notice and proof) :

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Coffee county, Alabama.

Local Legislation.

Notice and proof H. 258:

NOTICE OF LOCAL LAW.

Notice of law to abolish the office of deputy solicitor of Coffee county.

Notice is hereby given that at the next regular session of the Legislature of Alabama, to convene in January, 1923, a bill will be introduced for passage and enactment into law providing in substance as follows:

To abolish the office of deputy solicitor for the county of Coffee and to repeal all laws in conflict with such local law.

(Signed) H. M. Sessions,
Representative of Coffee County.

State of Alabama, }
Coffee County. }

Before me, the undersigned authority in and for said county and State, this day personally appeared H. A. DuBose who, being first duly sworn to speak the truth deposes and says: That he is editor of The People's Tribune, a newspaper published in Coffee county, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a "Notice of Local Law," was published in the Peoples' Tribune, giving notice of Law to Abolish Office of Deputy Solicitor of Coffee county, for four weekly issues in successive order and beginning on January 11th, 1923, and ending on February 1st, 1923, inclusive.

H. A. DuBose,
Editor.

Subscribed and sworn to before me this the 1st day of February, 1923.

J. V. Wright,
Notary Public.

By Mr. Glover:

H. 259. To amend Sections 2893, 2894, and 2895 of the Code of Alabama of 1907.

Revision of Laws.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 60. To amend Section 3627 of the Code of Alabama of 1907.

H. 61. To amend Section 6148 of the Code of Alabama of 1907.

H. 241. To amend Section 3467 of the Code of Alabama.

H. 242. To authorize Circuit Court Judges, where the judicial district is composed of one county and has but one Judge, to appoint a regular court bailiff, and provide his term of office and salary.

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.'"

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

S. 92. To amend an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919.

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and

outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

S. 103. To repeal an Act approved September 30th, 1920, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said board," approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with an amendment.

H. 166 (with amendment). To amend Sections 14, 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 110. To permit Purchaser, Mortgagee or Lien Holder to pay proportionate or Ratable Amount of Taxes on Real Estate sold to him or subject to his Mortgage or Lien in certain cases, without paying entire taxes which are a Lien upon such property.

H. 170. To amend Section 293 of an Act entitled an Act to provide for the General Revenue of the State of Alabama, approved September 15, 1919.

H. 190. To amend Section 7245 of the Code of Alabama 1907.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 67 (with substitute). To establish and regulate liens in favor of Garage Keepers, Automobile Repairmen, or Bailees of motor vehicles, for storing, maintaining or repairing motor vehicles, or furnishing gasoline, accessories, parts, or other supplies for motor vehicles, and to regulate the procedure for the enforcement thereof.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain County Warrant issued by Jefferson County, Alabama, at the October 17th, 1921 term of the Board of Revenue, held at Bessemer, in said County; said warrant being dated the 17th day of October, 1921, payable to the City of Bessemer for Nineteen Thousand and Six Hundred Sixty-Seven and 65/100 Dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, Pro Tem President of said Board of Revenue and attested or countersigned by J. W. Pickens, Clerk, and to require and direct the Treasurer of said Jefferson County, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson County, Alabama, and pay same with interest thereon from date.

S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled, "An Act, to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 13. To provide for the residence of persons who are elected as members of the County Board of Education of Escambia County, and to designate or create the District in which each member of said Board shall reside, and from which they shall be elected.

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Mr. Walton, Acting Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted upon the following bills and returned same to the House with a favorable report:

H. 111. To regulate the sale of watermelons in this State: To require watermelons to be sold in this State in carload lots to be weighed and counted and statement thereof in writing to be executed; and to provide certain exceptions from the application of the law and to provide punishment for failure to comply with the Act and for false statements made.

H. 175. To amend section 5 of an Act entitled, "To establish and provide for state-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals," approved February 7, 1919.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 176. To provide for the appointment of official court reporters for circuit courts by the Judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

H. 189. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

H. 236. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

Mr. St. John, Chairman of the Standing Committee on Corporations, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

S. 2. To repeal Section 2069 of the Code of Alabama of 1907.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 31 (with substitute). To empower municipal corporations to regulate and restrict the height, number of stories and size of buildings and other structures, the percentge of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a Board of Zoning Adjustment, and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure, and a review of its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House without recommendation:

H. 29 (without recommendation). To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the municipal authorities of the city within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 95. To authorize boards of county commissioners, boards of revenue, or other like governing bodies of counties in Alabama to purchase or condemn road building and maintenance material, and rights-of-way for roads to and from such material.

H. 107. To repeal an Act entitled "To provide for the construction, care, maintenance, and improvement of the public roads of Franklin County; to provide funds, regulations, penalties and officers to ensure such construction, care, maintenance, and improvement, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the Court of County Revenue shall have full powers over the road system; to provide beat supervisors, sections overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law." Approved September 30, 1919.

S. 72. To amend Section 13 of an act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

Mr. Graves, Chairman of the Standing Committee on Claims and Fees, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies'

bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

H. 240. To fix the compensation of members of the Board of Revenue in all counties of Two Hundred Thousand population or more, according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

S. 95. To fix the compensation of Circuit Clerks of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

BILLS REPORTED ADVERSELY.

The following bills were reported on adversely:

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered that same be returned to the House with an adverse report:

H. 238. To amend Section 7514 of the Code of 1907.

H. 210. To require courts of county commissioners and boards of revenue to publish the minutes of their respective meetings in some newspaper in their counties, and to provide penalties for failure to do so.

H. 244. To provide for the imposition of an additional penalty on all defendants convicted in any of the criminal courts

of this State and to provide for the collection and disposition of such additional penalty.

Mr. Adcock, Chairman of the Standing Committee on Pensions and Soldiers' Home, reported that said Committee, in session, had acted on the following bill and ordered that the same be returned to the House with an adverse report:

H. 219. To provide that any bona fide citizen of this State who has been a resident thereof for a period of three years at the time of filing his application and who actually served as a soldier or sailor in the army or navy of the Confederate States of America, or of the State of Alabama, for or during the period of War Between the States, and who did not desert the service of the State of Alabama or the Confederate States, shall be entitled to be placed on the pension roll in Class numbered Three and receive sixteen dollars quarterly; and to repeal all conflicting laws.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered that the same be returned to the House with an adverse report:

H. 68. To make the failure to deliver an automobile, automobile truck, or motor vehicle of any kind upon demand of an owner entitled to possession thereof, or upon demand of a lienee entitled to the possession thereof, a misdemeanor, and to prescribe penalties for the violation thereof.

H. 116. To amend Section 3482 of the Code of 1907 of Alabama.

H. 207. To amend Section 3317 of the Code of 1907, as amended by an act of the Legislature of Alabama, approved September 25, 1915.

H. 209. To authorize the Governor of Alabama to publish in one newspaper in each county of the State the reports of the Examiner of Public Accounts, of all State officials whose books have been examined by such examiner; and to provide compensation for such publications.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered that the same be returned to the House with an adverse report:

H. 197. To regulate the selling of gasoline at retail and to provide the punishment for the violation of this Act.

Mr. C. W. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that

said Committee, in session, had acted on the following bill and ordered that the same be returned to the House with an adverse report:

H. 212. To require all Tax Assessors in the State to publish annually in some newspaper published in their respective counties, a report of all tax returns made in his county, specifying the names of the persons making returns, and all property returned by them, both real and personal; to provide payment for said publications; and to provide penalties for the violation of this act.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered that the same be returned to the House with an adverse report:

H. 204. To require the trustees of Insane Hospitals and other eleemosynary institutions owned by the State of Alabama, to make and publish a verified semi-annual report, of all receipts and disbursements, which publication to be made in one paper in every county of the State; showing what persons are receiving free homes, free lights and water, free servants at the expense of the State, free food or groceries, and what salary each superintendent, physician, or other employees of said institutions are receiving; to provide the time when said publications are to be made; to provide payment for said publications; and to provide penalties for the violation of this act.

The above and foregoing bills were severally read a second time and placed on the Adverse Calendar.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your Committee appointed under a special Joint Resolution of the Senate and House to draft resolutions indorsing the Ford offer for Muscle Shoals begs leave to report as follows:

Whereas, there is now before the Congress of the United States an offer from Henry Ford to take over and complete Wilson Dam and the full capacity of the powerhouse therewith; to build Dam No. 3 and fully equip its powerhouse; and also operate the Government plants at Muscle Shoals to their full capacity; and,

Whereas, this offer guarantees to manufacture nitrogen and other fertilizers at great savings to the farmers; and,

Whereas, it further guarantees to so operate these great plants and so to utilize the power developed from these dams as to make them beneficial to the American public, and at the same time to make a real demonstration in the proper development

and utilization of natural resources for the benefit of the people for fertilizer, for transportation and for war preparedness and for flood control.

Be it resolved by the Senate of Alabama, the House concurring:

1. That we earnestly urge our Congress to immediately accept the Ford offer for Muscle Shoals; and,

2. That copies of this resolution be sent to the President, Honorable Warren G. Harding, to the President of the Senate of the United States, to the Speaker of the House of Representatives, to the Secretary of War, to the Senators and Representatives in Congress from Alabama, and to the press.

Signed:

On the part of the Senate:

George Duncan,
J. M. Bonner.

On the part of the House:

C. W. Ashcraft,
C. B. Verner,
John Patterson.

The above report was concurred in and adopted.

SPECIAL ORDER.

The House proceeded to the consideration of the Special Order, which was the bill:

H. 53. To define chiropractic and the practice of chiropractic in the State of Alabama; to create a state board of examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees collected by said board; to provide penalties and punishment for the violations and provisions of this Act; and to repeal all general and local laws, in so far as in conflict with this Act.

Mr. Sollie moved that the further consideration of the bill H. 53 be postponed until the 16th Day and upon a further motion of Mr. Goodwyn the bill H. 53 was indefinitely postponed.

Yeas, 74; nays, 26.

Yeas:

Messrs:

Mr. Speaker Blackwell
Adcock Burns
Allen Calloway
Arrington Cato
Ashcraft (Fayette) Christian
Ashcraft (Lauderdale) Coleman
Bealle Cook

Culver Ferrell
Cunningham Fite
Deloney Gaines
Dowdle Glenn
Elliott Glover
Embry Goode
Fanning Goodwyn

Graves	Kilpatrick	Powell	Tiller
Grove	Lee	Ringer	Tunstall
Hall	LeMaistre	Rountree	Tyson
Hampton	Luck	Russell	Varner
Hatter	Melton	Rutherford	Walker
Hawkins	Mooneyham	Sanders (Conecuh)	Wall
Hodgson	Moorer	Sanders (Pike)	Walton
Hornsby	Moxley	Smith (Clay)	Mrs. Wilkins
Howard	Nichols	Smith (Lee)	Williams
Howze	Norman	Snodgrass	Wyatt
Hubbard	Patterson	Stewart (Calhoun)	Young
Jones	Pickens		

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*Nays:**Messrs:*

Adams	Dunwoody	Long	Sollie
Bowen, Lewis	Forman	Love	Stewart (Bibb)
Bowen, L. K.	Glass	Odom	Thompson (Etowah)
Boykin	Guy	Parker	Thompson (Jackson)
Burton	Henley	Posey	Verner
Byars	Henson	St. John	Ware
Dickinson	Letson		

—26

Mr. Goodwyn moved to reconsider the vote by which the bill was indefinitely postponed and upon a further motion of Mr. Goodwyn the motion to reconsider was laid upon the table.

RESOLUTIONS.

The following resolutions were introduced:

Rules Committee:

H. 43. Resolved that the following bills be made special orders in the order in which listed below immediately after the disposal of pending special orders:

By Mr. Henley:

H. 14. To provide that county superintendents of education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

By Mr. Norman:

H. 23. To appropriate the sum of fifty thousand dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

And the resolution was adopted.

Rules Committee:

H. R. 44. Resolved that Senate Bill No. 7 be made a continuing special order for Tuesday, February 6th, at 10:00 A. M.

And the resolution was adopted.

By Mr. Embry:

H. J. R. 45. Be it resolved by the House, the Senate concurring, that whereas it is the sense of the Legislature there

should be appointed to sit with the Recess Joint Committee of the House and Senate on revision of the Code, three women, to consider and advise with the said Committee respecting laws peculiarly affecting women and children.

Therefore be it resolved, that the presiding officers of the House and Senate are hereby requested to appoint a Committee of three women to sit with said Joint Committee. Two to be appointed by the presiding officer of the House and one to be appointed by the presiding officer of the Senate.

And the resolution was referred to the Standing Committee on Rules.

RECESS.

Upon a motion of Mr. Tunstall, the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 17. To validate certain bonds heretofore issued by municipal corporations in Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 40. Relative to the adjournment of the two Houses until Tuesday, February 6th, at 10:00 A. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has adopted the report of the Special Committee of the two Houses to draft Resolutions urging Congress to accept the Ford Offer for Muscle Shoals.

And sends same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution, and sends same herewith to the House without engrossment:

S. J. R. 38. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House, to be appointed by the speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature not later than the twenty-fifth legislative day thereof, together with such suggested bills and resolutions as the committee may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 38, which is set out in the above and foregoing message from the Senate was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

S. 35. To amend an act entitled "An Act to amend sections 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

S. 38. To create and establish a board of county commissioners in and for Madison County, Alabama, in the place and stead of the board of revenue of Madison county now existing, in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners; fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this act; providing for the appointment, nomination and election of said board of Commissioners.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment, to-wit:

S. 60. To provide for the extension of time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, in all counties in this State which have a population of at least 92,500 and not more than 150,000, according to the last Federal census, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having this said population, to issue new interest bearing warrants, at the same or less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Local Legislation, S. 60.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 82. To make an appropriation for tick eradication.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment, to-wit:

S. 11. To authorize and empower the council of cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Also:

By Mr. Martin:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Municipal Organizations, S. 11.

Agriculture, S. 78.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment, to-wit:

By Mr. Garth:

S. 91. To amend Section 1, of "An Act to provide for the institution and prosecution of misdemeanors in the Circuit Court

of Madison County, otherwise than by indictment by the grand jury," approved February 11, 1919.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at its next session for the enactment of a local law substantially as follows:

An act to amend Section 1, of "An act to provide for the institution and prosecution of misdemeanors in the Circuit Court of Madison County, otherwise than by indictment by the grand jury," approved February 11, 1919.

Be it enacted by the Legislature of Alabama:

Section 1: That Section 1, of said act to provide for the institution and prosecution of misdemeanors, in the Circuit Court of Madison County, otherwise than by indictment by the grand jury, be amended so as to read as follows:

Section 1: That from and after the passage of this act, prosecution of persons charged with misdemeanors in Madison County, may be begun by affidavit made before the Clerk of the Circuit Court of Madison County, and that thereupon the jurisdiction of the Circuit Court of Madison County shall attach, and the same shall proceed to trial and judgment under the same rules and procedure as provided by law in misdemeanor cases, provided however, that no warrant of arrest shall issue on said affidavit, unless there shall be endorsed upon said affidavit, the approval of the solicitor or deputy solicitor.

Section 2. This act shall take effect from and after its passage and approval by the Governor.

State of Alabama, }
Madison County. }

Before me, Addison White, a Notary Public in and for said County and State, this day personally appeared J. E. Pierce, who being by me first duly sworn, deposes and says that he is the Editor and general manager of Huntsville Daily Times, a newspaper published in the City of Huntsville; that the foregoing is a verbatim copy of notice published in said newspaper, without cost to the State of Alabama, once a week, for four consecutive weeks, viz: On January 1, 1923, January 8, 1923, January 15, 1923, and January 22, 1923.

J. E. Pierce.

Sworn to and subscribed before me on this 23 day of January, 1923.
(SEAL)

Addison White,
Notary Public.

Also:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an Act approved April 4, 1911, entitled "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by law, that application will be made to the Legislature of Alabama, at its ensuing session for the passage of a local law, substantially as follows:

A bill to be entitled, "An act to amend the caption and Sections 3, 7, 10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled, "An act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court, and the Judge thereof."

Section 1: Be it enacted by the Legislature of Alabama that the caption of an act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court, and the Judge thereof, approved April 4, 1911, be amended so as to read as follows:

An act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the powers of a Justice of the Peace, in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof, and to require the Deputy Solicitor of Madison County, to prosecute criminal cases in said Court, and to provide his compensation therefor.

Section 2: That Section 3, of said Act be amended so as to read as follows:

Section 3: In addition to the jurisdiction above conferred, said Court and the Judge thereof shall have and exercise Civil jurisdiction of Justices of the Peace, in all cases where the cause of action arose, or the defendants reside in Madison County, and criminal jurisdiction of Justices of the Peace, in all cases where the offense is committed in Madison County.

Section 3: That Section 7 of said Act be amended so as to read as follows:

Section 7: The Judge shall, at the time of his appointment or election, be learned in the law, at least twenty-one years of age, and shall have resided in said Precinct at least twelve months preceding his election or appointment. Vacancies in the office of said Judge shall be filled by appointment by the Governor, and such Appointee shall hold for the unexpired term of his predecessor.

Section 4: That Section 10, of said act, be amended so as to read as follows:

Section 10: Said Clerk must keep Civil and Criminal dockets of all cases in said Court as now provided by law, for Justices of the Peace, provided said dockets shall also show an itemized statement of all costs, fees, and fines due and collected, and said Clerk shall make a complete statement of all costs, fees, fines and forfeitures due and collected, and quarterly report the same to the Probate Judge of Madison County. Said Clerk shall sign and issue all summons and complaints, writs, executions and other process, make out transcripts, take affidavits, administer oaths, approve bonds in Civil Cases, and perform all other duties not of a judicial character that may be necessary and proper to maintain the jurisdiction and authority of the said Inferior Court.

Section 5: That Section 11, of said act, be amended so as to read as follows:

Section 11: It is the duty of the County Commissioners of Madison County, or Board of Revenue of Madison County, to provide a suitable room in which to hold said Court, and the necessary stationery and postage shall be paid out of the moneys paid into the County Treasury by the

Clerk of said Court, under the provisions of this act, not to exceed the sum of \$25.00 per month, the amount for the rent of said Court room, including said stationery and postage.

Section 6: That Section 18 of said act be amended so as to read as follows:

Section 18: In the absence or disability of the Judge of said Court, the Probate Judge of said County shall appoint a Judge of said Court to serve until the return of the said Judge, or during his disability, who shall be paid the sum of \$3.50 per day, as the Judge of said Court is now paid, out of the County Treasury, and said amount deducted from the salary of the Judge, unless said Judge shall file with the Probate Judge, a certificate that his absence was caused by reason of the sickness of himself or of his family.

Section 7: That Section 23 of said act be amended so as to read as follows:

Section 23: The Deputy Solicitor of the Circuit Court of Madison County shall attend said Court and prosecute criminal cases therein, and there shall be taxed in each criminal case, a solicitor's fee, when a conviction is had, in the amount provided by law, and the said solicitor's fee shall be taxed and collected in the same manner as said fees are taxed and collected and paid in the Circuit Court of Madison County, provided that said solicitor's fees in said Inferior Court shall be paid by the Clerk of said Court to the Deputy Solicitor of the Circuit Court of Madison County, in the sum of \$600.00 per annum, provided said amount of fees be collected, payable in monthly installments, any surplus over and above said sum of \$600.00 to be paid into the County Treasury of said County, as other fees are directed to be paid, under the provisions of this act.

Section 8: That Section 24 of said act be amended so as to read as follows:

Section 24: It shall be unlawful for the Judge of said Court to practice law in any of the Courts of his County, in any cause, which was at any time, in any manner, pending in said Inferior Court, or before him as Judge of said Court.

State of Alabama, }
Madison County. }

Before me, Addison White, a Notary Public in and for said County and State, this day personally appeared J. E. Pierce, who being by me first duly sworn, deposes and says that he is the Editor and general manager of Huntsville Daily Times, a newspaper published in the City of Huntsville; that the foregoing is a verbatim copy of notice published in said newspaper, without cost to the State of Alabama, once a week, for four consecutive weeks, viz: On January 1, 1923, January 8, 1923, January 15, 1923, and January 22, 1923.

Sworn to and subscribed before me on this 23 day of January, 1923.

(SEAL)

J. E. Pierce.
Addison White,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 91, S. 108.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment, to-wit:

By Mr. Brower:

S. 112. To amend Sections 15, 16, and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 112.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justice of the Peace therein to be called the Inferior Court of York.

J. E. Speight,
Secretary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills and House Joint Resolution:

H. 82. To make an appropriation for tick eradication.

Also:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Also:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjuster and boards of county tax adjusters.

Also:

H. J. R. 24. Requesting the Highway Department to furnish at its earliest convenience a detailed report of salaries, expenses, mileage, bridges, and all other information desired relative to this Department.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment, to-wit:

S. 55. To amend subdivision 5, of section 3052 of the Code, relating to the jurisdiction of the equity courts.

Also:

By Mr. Craft:

S. 57. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

Also:

By Mr. Martin:

S. 133. To authorize the increase of the capital stock or shares of building and loan associations organized under the laws of this State.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 55, S. 133.

Game, Fish and Forestry Preservation, S. 57.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills and returns same herewith to the House:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

Also:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Ave-

nue which lies between "A" Street now known as 68th Street, and Second Street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake; and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

February 2nd, 1923, 4:50 P. M.

H. 82. To make an appropriation for tick eradication.

Also:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Also:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjuster and boards of county tax adjusters.

Also:

H. J. R. 24. Requesting the Highway Department to furnish at its earliest convenience a detailed report of salaries, expenses, mileage, bridges, and all other information desired relative to this Department.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 165 (with substitute). To provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways, Means and Appropriations, said substitute being as follows:

Substitute for House Bill No. 165:

A BILL.

To be entitled an Act to provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama, Be it enacted by the Legislature of Alabama as follows:

Be it enacted by the Legislature of Alabama that:

Sec. 1. The State Highway Department of the State of Alabama shall consist of a State Highway Commission composed of three members. The Governor, as soon after the approval of this Act as practicable, shall appoint the members of such State Highway Commission and designate which of the said Commissioners shall be Chairman of the Commission. In the event of a vacancy in said Commission such vacancy shall be filled by appointment by the Governor. The members of the Commission shall hold office at the will of the Governor and shall be subject at any time to removal from office by the Governor. Such State Highway Commission shall have all the authority and power and perform all the duties now conferred and imposed on the present State Highway Commission.

Sec. 2. All contracts which may be hereafter made for either the construction or maintenance of the public highways and bridges under the management and control of said Commission shall be executed by said Commission by and with the approval of the Governor.

Sec. 3. The members of said Commission shall receive ten dollars per diem for the time engaged in the discharge of their official duties and shall be allowed traveling and other necessary expenses incurred in their official duties.

Sec. 4. All laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 5. This act shall take effect immediately upon its passage.

Mr. Tunstall offered the following substitute for the substitute reported by the Standing Committee on Ways, Means and Appropriations to the bill H. 165:

A BILL.

To be entitled an Act to regulate further the Highway Department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. From and after the passage of this Act no contract or agreement for the location, construction, repair, improvement or maintenance of the public highways, roads or bridges of this State shall be made or executed by the Highway Department of this State without the approval of the Governor of Alabama, and any contract or agreement made by the Highway Department of this State as for the location, construction, repair, improvement or maintenance of any of the public highways, roads or bridges of this State without the approval of the Governor shall be void and of no effect.

And the substitute offered by Mr. Tunstall was adopted.

And the substitute reported by the Standing Committee on Ways, Means and Appropriations as amended by the substitute offered by Mr. Tunstall was adopted.

Yeas, 85; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Howard	Smith (Clay)
Adams	Embry	Howze	Smith (Jefferson)
Adcock	Fanning	Hubbard	Smith (Lee)
Allen	Ferrell	Jeter	Snodgrass
Arrington	Fite	Jones	Stewart (Bibb)
Ashcraft (Fayette)	Forman	Lee	Stewart (Calhoun)
Ashcraft (Lauderd'l)	Gaines	Letson	Thompson (Etowah)
Bealle	Glass	Long	Thompson (Jackson)
Blackwell	Glenn	Love	Tiller
Bowen, Lewis	Glover	Luck	Tunstall
Boykin	Goodwyn	Melton	Tyson
Burns	Graves	Mooneyham	Varner
Burton	Grove	Moorer	Verner
Byars	Guy	Odom	Walker
Cato	Hall	Patterson	Wall
Christian	Hampton	Ringer	Walton
Cook	Hatter	Rountree	Ware
Culver	Henley	St. John	Mrs. Wilkins
Cunningham	Henson	Sanders (Conecuh)	Williams
Deloney	Hodgson	Sanders (Pike)	Wyatt
Dickinson	Hornsby	Sessions	Young
Dowdle			

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And the bill:

H. 165. To provide further for the location, construction, repairs and maintenance of the public roads, bridges and highways in the State of Alabama.

As amended by the substitute reported by the Standing Committee on Ways, Means and Appropriations, as amended by the substitute offered by Mr. Tunstall, was read a third time at length and passed.

Yeas, 86; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Sessions
Adams	Fanning	Jones	Smith (Clay)
Adcock	Ferrell	Lee	Smith (Jefferson)
Allen	Fite	LeMaistre	Smith (Lee)
Ashcraft (Fayette)	Forman	Letson	Snodgrass
Ashcraft (Lauderd ¹)	Gaines	Long	Stewart (Bibb)
Bealle	Glass	Love	Stewart (Calhoun)
Blackwell	Glover	Luck	Thompson (Etowah)
Bowen, Lewis	Goode	Melton	Tiller
Boykin	Goodwyn	Moorer	Tunstall
Burns	Graves	Nichols	Tyson
Burton	Grove	Odom	Varner
Byars	Guy	Parker	Verner
Cato	Hampton	Patterson	Walker
Christian	Hatter	Poole	Wall
Cook	Henley	Ringer	Walton
Culver	Henson	Rountree	Ware
Cunningham	Hodgson	Russell	Mrs. Wilkins
Deloney	Hornsby	St. John	Williams
Dickinson	Howard	Sanders (Conecuh)	Wyatt
Dowdle	Howze	Sanders (Pike)	Young
Dunwoody	Hubbard		

—86

On motion of Mr. Tunstall, the bill H. 165 was ordered sent forthwith to the Senate without engrossment.

H. 233. To fix the per diem or compensation of members of all Recess Committees appointed by Joint Resolution of the two Houses of the Legislature.

Was read a third time at length and passed.

Yeas, 72; nays, 4.

Yeas:

Messrs:

Mr. Speaker	Embry	Hubbard	Smith (Clay)
Adams	Fanning	Jeter	Smith (Lee)
Adcock	Fite	Lee	Snodgrass
Allen	Gaines	LeMaistre	Sollie
Ashcraft (Fayette)	Glass	Letson	Stewart (Calhoun)
Ashcraft (Lauderd ¹)	Glover	Love	Thompson (Etowah)
Bealle	Goode	Melton	Tunstall
Bowen, Lewis	Goodwyn	Mooneyham	Tyson
Boykin	Graves	Moorer	Varner
Burns	Grove	Moxley	Verner
Cato	Guy	Odom	Walker
Coleman	Hall	Patterson	Wall
Cook	Hampton	Poole	Walton
Culver	Hawkins	Ringer	Ware
Cunningham	Henley	Rountree	Mrs. Wilkins
Dowdle	Hodgson	Russell	Williams
Dunwoody	Howard	Sanders (Pike)	Wyatt
Elliott	Howze	Sessions	Young

—72

Messrs:

Nays:

Blackwell	Burton	Deloney	Henson
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—4

And the bill H. 233 was ordered sent forthwith to the Senate without engrossment.

H. 14. To provide that County Superintendents of Education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

Was taken up. Mr. St. John offered the following substitute for the bill:

St. John substitute for House bill No. 14:

A BILL.

To be entitled an Act to provide for the election of County Superintendents of Education in each of the several counties of the State of Alabama, by the qualified electors of such County; to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer, and to provide for the election of a County Superintendent of Education by the County Board of Education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be elected at the general election in the State of Alabama in 1924, and every four years thereafter, a County Superintendent of Education for each of the several counties of the State of Alabama, by the qualified electors of such County, and who shall hold office for a term of four years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified, and who shall at the time of his election be a qualified elector of said County and shall have had at least three years experience in teaching school in the State of Alabama, and shall hold at least a first grade certificate to teach school in said State, and who shall perform the same duties as are now, or hereafter may be required by law of County Superintendents of Education in said State.

Section 2. That within fifteen days after the declaration of the result of the election by the legally constituted authorities of the County, said County Superintendent of Education shall qualify by taking the oath of office required by the Constitution of said State, and shall give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in the State of Alabama, to be approved by the Judge of Probate of said County, which shall be filed and recorded in said Probate office, and shall be conditioned upon the faithful performance of the duties of the office, and for the accounting and paying over to the proper authority of all monies coming into his hands by virtue of his office. A copy of said

bond duly certified by the Judge of Probate, shall be filed in the office of the State Board of Education.

Section 3. That such County Superintendent of Education shall receive a salary to be fixed by the County Board of Education subject to the approval of the State Superintendent of Education to be not less than fifteen hundred dollars and not more than three thousand dollars per year to be paid as now required by law for the payment of salaries of County Superintendents of Education, provided, that in counties having a population of not less than seventy-five thousand according to the last Federal Census, or which may have a population of seventy-five thousand according to any future Federal Census, the County Board of Education in such counties may fix the salary of such County Superintendent at any amount not to exceed five thousand dollars per annum.

Section 4. That said County Superintendent, in addition to the duties hereinbefore prescribed, shall also be ex-officio school attendance officer of said County, and shall perform the duties of school attendance officer.

Section 5. That within twenty days after the passage of this Act, the County Board of Education of each County in this State shall by a majority vote elect a County Superintendent of Education of said County, who shall hold office until the general election in 1924, or until his successor is elected and qualified, and who shall perform the same duties and receive same salary and possess the same qualifications as hereinbefore provided.

Section 6. In the event of a vacancy in the office of County Superintendent in any County from any cause the same shall be filled by appointment of the Governor, such appointee to hold office until the next general election, at which time his successor shall be elected by the qualified voters of the County.

Section 7. That all laws and parts of laws, general and local, in conflict with any of the provisions of this Act, are hereby repealed and abolished.

And the substitute offered by Mr. St. John was adopted.

Yeas, 50; nays, 35.

Yeas:

Messrs:

Adams	Deloney
Adcock	Dowdle
Ashcraft (Fayette)	Dunwoody
Ashcraft (Lauderd ¹)	Elliott
Bealle	Fanning
Blackwell	Forman
Bowen, L. K.	Glover
Burton	Hall
Byars	Hampton
Cook	Hawkins

Henley	Poole
Henson	Ringer
Hornsby	St. John
Lee	Sanders (Conecuh)
Letson	Sanders (Pike)
Long	Sessions
Love	Smith (Clay)
Melton	Snodgrass
Odum	Sollie
Parker	Stewart (Bibb)

Stewart (Calhoun)	Tunstall	Walton	Williams
Thompson (Etowah)	Tyson	Ware	Young
Tiller	Verner		

—50

*Nays:**Messrs:*

Mr. Speaker	Fite	Howze	Rountree
Allen	Gaines	Hubbard	Russell
Bowen, Lewis	Glass	Jeter	Smith (Jefferson)
Burns	Goodwyn	LeMaistre	Smith (Lee)
Cato	Grove	Luck	Varner
Christian	Guy	Mooneyham	Walker
Culver	Hatter	Moorer	Wall
Cunningham	Hodgson	Patterson	Mrs. Wilkins
Embry	Howard	Posey	

—35

PAIR ANNOUNCED.

Mr. Dickinson announced that he was paired with Mr. Jones. If Mr. Jones were present he would vote nay and Mr. Dickinson yea.

And the bill:

H. 14. To provide that County Superintendents of Education of the State shall be elected by the qualified voters of the several counties of the State and to prescribe the term of office.

As amended by the substitute, was read a third time at length and passed.

Yeas, 54; nays, 38.

*Yeas:**Messrs:*

Adams	Elliott	Lee	Smith (Clay)
Adcock	Fanning	Letson	Snodgrass
Ashcraft (Fayette)	Forman	Long	Sollie
Ashcraft (Lauderd ¹)	Glenn	Love	Stewart (Bibb)
Bealle	Glover	Melton	Stewart (Calhoun)
Blackwell	Graves	Odom	Thompson (Etowah)
Bowen, L. K.	Hall	Parker	Tiller
Boykin	Hampton	Poole	Tyson
Burton	Hawkins	Ringer	Walton
Byars	Henley	St. John	Ware
Cook	Henson	Sanders (Conecuh)	Williams
Deloney	Hornsby	Sanders (Pike)	Wyatt
Dowdle	Hubbard	Sessions	Young
Dunwoody	Kilpatrick		

—54

*Yeas:**Messrs:*

Mr. Speaker	Gaines	Jeter	Russell
Allen	Glass	LeMaistre	Smith (Jefferson)
Arrington	Goode	Luck	Smith (Lee)
Bowen, Lewis	Goodwyn	Mooneyham	Tunstall
Burns	Grove	Moorer	Varner
Cato	Guy	Moxley	Verner
Christian	Hatter	Patterson	Walker
Culver	Hodgson	Posey	Wall
Embry	Howard	Rountree	Mrs. Wilkins
Fite	Howze		

—38

PAIR ANNOUNCED.

Mr. Dickinson announced that he was paired with Mr. Jones. If Mr. Jones were present he would vote nay and Mr. Dickinson would vote yea.

Mr. Long moved to reconsider the vote by which the bill H. 14 was passed and then moved to table his motion to reconsider and the motion to table prevailed.

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County jails during the fiscal year ending September 30, 1922, and which are unpaid.

Was read a third time at length and passed.

Yeas, 79; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howard	Sanders (Conecuh)
Adams	Dickinson	Howze	Sanders (Pike)
Adcock	Dowdle	Hubbard	Sessions
Allen	Dunwoody	Jeter	Smith (Clay)
Arrington	Elliot	Kilpatrick	Smith (Lee)
Ashcraft (Fayette)	Embry	Lee	Snodgrass
Ashcraft (Lauderd ¹)	Fanning	LeMaistre	Sollie
Bealle	Fite	Love	Stewart (Calhoun)
Blackwell	Forman	Melton	Thompson (Etowah)
Bowen, Lewis	Glover	Mooneyham	Tiller
Boykin	Goodwyn	Moorer	Tunstall
Burns	Graves	Norman	Tyson
Burton	Grove	Odom	Varner
Byars	Guy	Parker	Verner
Calloway	Hampton	Patterson	Walker
Cato	Hatter	Poole	Ware
Christian	Henley	Ringer	Mrs. Wilkins
Cook	Henson	Rountree	Williams
Culver	Hodgson	Russell	Young
Cunningham	Hornsby	St. John	

—79

And the bill was ordered sent to the Senate without engrossment.

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

Was read a third time at length and passed.

Yeas, 73; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Allen	Blackwell	Boykin
Adams	Ashcraft (Fayette)	Bowen, Lewis	Burns
Adcock	Bealle	Bowen, L. K.	Burton

Byars	Goode	Long	Snodgrass
Cato	Goodwyn	Love	Sollie
Christian	Graves	Melton	Stewart (Calhoun)
Cook	Grove	Mooneyham	Thompson (Etowah)
Culver	Guy	Moxley	Thompson (Jackson)
Cunningham	Hall	Odom	Tiller
Deloney	Hampton	Parker	Tyson
Dowdle	Henley	Patterson	Varner
Dunwoody	Henson	Posey	Verner
Elliott	Hodgson	Ringer	Walker
Embry	Howze	St. John	Wall
Fanning	Jeter	Sanders (Pike)	Walton
Forman	Lee	Sessions	Ware
Glass	LeMaistre	Smith (Clay)	Williams
Glenn	Letson	Smith (Lee)	Young
Glover			

—73

Nays: Mr. Poole—1.

And the bill was ordered sent to the Senate without engrossment.

H. 221. To authorize the increase of the Capital Stock or shares of building and loan associations organized under the laws of this State.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henson	Smith (Clay)
Adams	Elliott	Hodgson	Smith (Lee)
Adcock	Embry	Howze	Snodgrass
Arrington	Fanning	Jeter	Sollie
Ashcraft (Fayette)	Ferrell	Kilpatrick	Stewart (Calhoun)
Bealle	Fite	Lee	Thompson (Etowah)
Bowen, Lewis	Forman	LeMaistre	Thompson (Jackson)
Bowen, L. K.	Gaines	Letson	Tiller
Boykin	Glass	Moxley	Tunstall
Burns	Glenn	Odom	Tyson
Byars	Glover	Patterson	Varner
Calloway	Goode	Posey	Verner
Cato	Graves	Ringer	Walker
Christian	Grove	Russell	Wall
Cook	Guy	St. John	Walton
Culver	Hampton	Sanders (Conecuh)	Ware
Cunningham	Hatter	Sanders (Pike)	Williams
Deloney	Henley	Sessions	Young
Dickinson			

—73

And the bill was ordered sent to the Senate without engrossment.

H. 113. To fix the compensation of Circuit Clerk of all counties of the State of Alabama having a population of more than

200,000 according to the last or any subsequent Federal Census.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	St. John
Adams	Glass	Lee	Sessions
Adcock	Glenn	Letson	Smith (Clay)
Allen	Glover	Long	Smith (Jefferson)
Bowen, Lewis	Goode	Love	Snodgrass
Bowen, L. K.	Goodwyn	Luck	Sollie
Boykin	Graves	Melton	Stewart (Bibb)
Burns	Grove	Moorer	Tiller
Burton	Guy	Moxley	Tunstall
Byars	Hall	Nichols	Tyson
Calloway	Hatter	Norman	Varnier
Cato	Henley	Odom	Verner
Cook	Henson	Parker	Walker
Culver	Hodgson	Poole	Wall
Embry	Hornsby	Posey	Walton
Fanning	Howard	Powell	Ware
Ferrell	Howze	Ringer	Wyatt
Fite	Jeter	Rives	Young
Forman			

—73

And the bill H. 113 was ordered sent to the Senate without engrossment.

H. 200. To fix the salary of the Deputy Solicitor for Butler County, Alabama.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jeter	St. John
Adams	Glass	Jones	Sanders (Pike)
Adcock	Glenn	Lee	Sessions
Allen	Glover	Letson	Smith (Clay)
Bowen, Lewis	Goode	Long	Smith (Lee)
Bowen, L. K.	Goodwyn	Love	Snodgrass
Boykin	Graves	Luck	Sollie
Burns	Grove	Melton	Tiller
Burton	Guy	Moorer	Tunstall
Byars	Hall	Moxley	Tyson
Cato	Hatter	Nichols	Varnier
Christian	Hawkins	Norman	Verner
Coleman	Henley	Odom	Walker
Cook	Henson	Parker	Wall
Embry	Hornsby	Pickens	Walton
Fanning	Howard	Poole	Ware
Ferrell	Howze	Posey	Wyatt
Fite	Hubbard	Rives	Young
Forman			

—73

And the bill H. 200 was ordered sent to the Senate without engrossment.

H. 162. To fix the compensation or salary of Probate Judge of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal Census and to provide for paying same.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jones	Russell
Adams	Elliott	Lee	Rutherford
Adcock	Embry	Letson	St. John
Allen	Ferrell	Long	Sessions
Bowen, Lewis	Fite	Love	Smith (Clay)
Bowen, L. K.	Gaines	Luck	Smith (Jefferson)
Boykin	Glass	Melton	Snodgrass
Burns	Glenn	Norman	Sollie
Burton	Glover	Odom	Tiller
Byars	Goode	Parker	Tunstall
Calloway	Goodwyn	Patterson	Tyson
Cato	Graves	Pickens	Varner
Christian	Grove	Poole	Verner
Coleman	Guy	Posey	Walker
Cook	Hall	Powell	Wall
Culver	Howze	Ringer	Walton
Deloney	Hubbard	Rives	Ware
Dickinson	Jeter	Rountree	Young
Dowdle			

—73

And the bill H. 162 was ordered sent to the Senate without engrossment.

H. 178. To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and especial in conflict with said section as hereby amended.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Love	Sessions
Adcock	Forman	Moorer	Smith (Lee)
Arrington	Gaines	Moxley	Snodgrass
Bealle	Glover	Odom	Sollie
Bowen, L. K.	Goode	Parker	Stewart (Bibb)
Boykin	Goodwyn	Patterson	Stewart (Calhoun)
Burns	Grove	Pickens	Thompson (Etowah)
Burton	Hatter	Posey	Tyson
Calloway	Henley	Ringer	Varner
Cook	Henson	Rountree	Verner
Culver	Hodgson	Russell	Walton
Dickinson	Howze	St. John	Ware
Dowdle	Jeter	Sanders (Conecuh)	Williams
Dunwoody	Lee	Sanders (Pike)	Young
Embry	LeMaistre		

—58

And the bill H. 178 was ordered sent to the Senate without engrossment.

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas :

Messrs :

Mr. Speaker

Adams

Adcock

Allen

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Cunningham

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Fite

Forman

Gaines

Glass

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hornsby

Howard

Howze

Hubbard

Jeter

Jones

Kilpatrick

Lee

LeMaistre

Letson

Long

Love

Luck

Melton

Nichols

Norman

Odom

Parker

Patterson

Pickens

Poole

Posey

Powell

Ringer

Rives

Rountree

Russell

Rutherford

St. John

Sanders (Concuh)

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Snodgrass

Sollie

Walker

Wall

—73

And the bill was ordered sent to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until Tuesday, February 6th, at 10 o'clock A. M.

THIRTEENTH DAY.

House of Representatives,
Tuesday, February 6th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Bealle of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jeter	Rutherford
Adams	Elliott	Jones	St. John
Adcock	Embry	Kilpatrick	Sanders (Conecuh)
Allen	Fanning	Lee	Sanders (Pike)
Arrington	Fite	LeMaistre	Sessions
Ashcraft (Fayette)	Forman	Letson	Smith (Jefferson)
Ashcraft (Lauderd'l)	Gaines	Long	Smith (Lee)
Bealle	Glass	Love	Snodgrass
Blackwell	Glenn	Luck	Sollie
Bowen, Lewis	Glover	McGowen	Stewart (Bibb)
Bowen, L. K.	Goode	Melton	Stewart (Calhoun)
Boykin	Goodwyn	Mooneyham	Thompson (Etowah)
Burns	Graves	Moorer	Tiller
Burton	Grove	Moxley	Tunstall
Byars	Guy	Nichols	Tyson
Calloway	Hall	Norman	Varner
Cato	Hampton	Odom	Verner
Christian	Hatter	Farker	Walker
Coleman	Henley	Patterson	Wall
Cook	Henson	Poole	Walton
Culver	Hodgson	Posey	Ware
Cunningham	Hornsby	Powell	Mrs. Wilkins
Deloney	Howard	Ringer	Williams
Dickinson	Howze	Rountree	Wyatt
Dowdle	Hubbard	Russell	Young

A quorum was present.

—100

JOURNAL.

The Chairman of the Standing Committee on the Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Twelfth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Twelfth Day was approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Pickens, Hawkins, Ferrell, and Smith of Clay, on account of sickness.

House of Representatives,
Montgomery, Alabama.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that they have examined the following House bills:

H. 14. To provide for the election of county superintendents of education in each of the several counties of the State of Alabama, by the qualified electors of such county; to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer, and to provide for the election of a county superintendent of education by the County Board of Education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

And find same correct.

Lee Glenn,
Chairman, Engrossed Bills Committee.

The report of the Committee was concurred in and adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Cato:

H. 260. To amend Sections 1313 and 1315 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Parker (with notice and proof):

H. 261. To abolish the County Court of Coosa County and the offices of Judge and Deputy Solicitor pertaining thereto.

Local Legislation.

Notice and proof H. 261:

A BILL.

At the next term of the Legislature, there will be a bill introduced to abolish the County Court of Coosa County, and the officers pertaining thereto.

December 11, 1922.

State of Alabama, }
County of Coosa. }

Before the undersigned authority, in and for said county and State, personally appeared, A. Ayers, who, first being duly sworn, deposes and says, that he is editor and publisher of the Rockford Chronicle, a newspaper published weekly at Rockford, in Coosa County; and that the above and foregoing advertisement attached hereto was published by him for four consecutive weeks in the said Rockford Chronicle, appearing therein for the issues published on January 5th, 12th, 19th and 26th, 1923.

A. Ayers.

This January 29th, 1923.

(Seal)

Henry A. Teel,
Notary Public, Coosa County, Alabama.

By Mr. Parker (with notice and proof) :

H. 262. To further regulate the working of the public roads in Coosa County, Alabama.

Local Legislation.

Notice and proof H. 262:

A BILL.

There will be a bill introduced in the next Legislature for the better working of the public roads of Coosa county, by having the Commissioners Court to pay superintendents of roads and scraping the roads where prepared.

This December 11, 1922.

State of Alabama, }
County of Coosa. }

Before the undersigned authority, in and for said county and State, personally appeared, A. Ayers, who, first being duly sworn, deposes and says, that he is editor and publisher of the Rockford Chronicle, a newspaper published weekly at Rockford, in Coosa County; and that the above and foregoing advertisement attached hereto was published by him for four consecutive weeks in the said Rockford Chronicle, appearing therein for the issues published on January 5th, 12th, 19th and 26th, 1923.

A. Ayers.

This January 29th, 1923.

(Seal)

Henry A. Teel,
Notary Public, Coosa County, Alabama.

By Mr. L. K. Bowen:

H. 263. To safeguard life and property on the railroads of Alabama by requiring said railroads to use adequate crews on trains operated by them.

Commerce and Common Carriers.

By Mr. Cunningham:

H. 264. To amend Section 3446 of the Code of Alabama down through sub-division one thereof.

Corporations.

By Mr. Cunningham (By request):

H. 265. To regulate the assessment and collection of the ad valorem taxes on self propelling vehicles and motor driven vehicles.

Ways, Means and Appropriations.

By Mr. Lee:

H. 266. To amend schedule 129 of Section 361 of an Act approved September 15, 1919 and entitled "An Act to provide for the general revenue of the State of Alabama."

Ways, Means and Appropriations.

BILLS ON SECOND READING.

Mr. Burns, Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with an assessment:

S. 112 (with amendment). To amend Sections 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the

Commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

The above and foregoing bills were severally read a second time and placed on the Calendar.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission. And finds same correctly enrolled.

T. H. Tyson,
Acting Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

NOTICE GIVEN.

Mr. Moxley gave notice that on the next Legislative Day he would move to take H. 219 from the Adverse Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 17. To validate certain bonds heretofore issued by municipal corporations in Alabama.

Also:

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama and to describe the area included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary lines and to describe the area included in the city limits for school purposes and as a school district composed of the City of Talladega, Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same.

February 6th, 1923, at 10:40 A. M.

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

J. H. Stewart,
Clerk,

BILLS ON THIRD READING.

H. 108. To repeal an act entitled: "An Act to regulate the fees of the Judge of the County Court of Franklin County, Alabama." Approved February 21, 1893.

Was read a third time at length and passed.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Bealle

Blackwell

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Elliott

Embry

Fanning

Fite

Forman

Gaines

Glass

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hatter

Henley

Henson

Hodgson

Hornsby

Howard

Howze

Jeter

Jones

Lee

LeMaistre

Letson

Long

Love

Luck

Melton

Moorer

Moxley

Nichols

Odom

Parker

Patterson

Poole

Posey

Powell

Ringer

Rountree

Russell

Rutherford

St. John

Sessions

Smith (Lee)

Snodgrass

Sollie

Tiller

Tunstall

Tyson

Varner

Verner

Walker

Wall

Walton

Ware

Mrs. Wilkins

Williams

Wyatt

Young

—82

And the bill was sent to the Senate without engrossment.

H. 46 (with substitute). To amend Section 3613, 3615 and 3622 of the Code of 1907.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws, said substitute being as follows:

Substitute for H. 46:

A BILL.

To be entitled an Act to amend Sections 3615 and 3622 of the Code of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3615 of the Code of 1907 be amended so as to read as follows:

3615: Corporations created under this article may hold real and personal property, may receive property by gift, will, or devise, holding the same in conformity with all lawful conditions imposed by the donor, may sell and convey same, and exercise such other powers as are incident to private corporations.

Section 2. That Section 3622 of the Code of 1907 be amended so as to read as follows:

3622: The property of corporations formed bona fide under this article for other than pecuniary purposes, shall be exempt from all state, county and municipal taxation and licenses, so long as devoted to and used exclusively for religious, educational or charitable purposes; but if used for any other purpose than legitimately pertains to the object of such society, it shall not be so exempt.

And the substitute was adopted.

Yeas, 68; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Henley	Powell
Adams	Cunningham	Henson	Ringer
Arrington	Deloney	Hodgson	Russell
Ashcraft (Fayette)	Dickinson	Hornsby	Sanders (Pike)
Ashcraft (Lauderd'l)	Dowdle	Howard	Sessions
Bealle	Dunwoody	Lee	Smith (Jefferson)
Blackwell	Elliott	LeMaistre	Smith (Lee)
Bowen, Lewis	Fanning	Letson	Stewart (Bibb)
Bowen, L. K.	Gaines	Love	Stewart (Calhoun)
Boykin	Glass	Luck	Thompson (Etowah)
Burns	Glover	Melton	Tiller
Burton	Goode	Mooneyham	Tunstall
Calloway	Goodwyn	Nichols	Tyson
Cato	Grove	Norman	Walton
Christian	Guy	Parker	Ware
Coleman	Hall	Patterson	Wyatt
Cook	Hampton	Posey	Young

—68

And the bill:

H. 46. To amend Sections 3613, 3615 and 3622 of the Code of 1907.

As amended by the substitute, was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cunningham	Henson	Ringer
Adams	Deloney	Hodgson	Russell
Arrington	Dickinson	Hornsby	St. John
Ashcraft (Fayette)	Dowdle	Howard	Sanders (Pike)
Ashcraft (Lauderdl.)	Dunwoody	Howze	Sessions
Bealle	Fanning	Lee	Smith (Jefferson)
Blackwell	Fite	LeMaistre	Smith (Lee)
Bowen, Lewis	Forman	Letson	Stewart (Bibb)
Bowen, L. K.	Gaines	Love	Stewart (Calhoun)
Boykin	Glass	Luck	Thompson (Etowah)
Burns	Glenn	Melton	Tiller
Burton	Glover	Mooneyham	Tyson
Byars	Goodwyn	Nichols	Walker
Calloway	Grove	Norman	Wall
Cato	Guy	Odom	Ware
Christian	Hampton	Parker	Williams
Coleman	Hatter	Patterson	Wyatt
Cook	Henley	Posey	Young
Culver			

—73

And the bill was ordered sent to the Senate without engrossment.

S. 49. To amend Section 5439 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Jeter	Sanders (Pike)
Adams	Cunningham	Lee	Sessions
Ashcraft (Fayette)	Deloney	LeMaistre	Smith (Lee)
Ashcraft (Lauderdl.)	Dowdle	Letson	Stewart (Bibb)
Bealle	Fanning	Luck	Stewart (Calhoun)
Blackwell	Forman	Melton	Thompson (Etowah)
Bowen, Lewis	Glass	Mooneyham	Tiller
Bowen, L. K.	Glenn	Nichols	Tyson
Boykin	Glover	Norman	Varner
Burns	Goodwyn	Odom	Walker
Burton	Grove	Parker	Wall
Byars	Guy	Patterson	Walton
Calloway	Henley	Posey	Ware
Cato	Henson	Ringer	Williams
Christian	Hodgson	Russell	Wyatt
Coleman	Howard	St. John	Young
Cook	Howze		

—66

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Was read a third time at length and lost.

Yeas, 42; nays, 43.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Jones	Smith (Lee)
Arrington	Elliott	LeMaistre	Sollie
Ashcraft (Fayette)	Fanning	Luck	Stewart (Calhoun)
Ashcraft (Lauderdl.)	Fite	Melton	Tunstall
Bealle	Glenn	Mooneyham	Varner
Bowen, Lewis	Goode	Nichols	Walker
Bowen, L. K.	Goodwyn	Norman	Wall
Calloway	Grove	Patterson	Walton
Cato	Howze	Powell	Mrs. Wilkins
Culver	Hubbard	St. John	Williams
Cunningham	Jeter		

—42

Nays:

Messrs:

Adams	Dunwoody	Hodgson	Rutherford
Blackwell	Forman	Hornsby	Sanders (Conecuh)
Boykin	Gaines	Howard	Sanders (Pike)
Burns	Glass	Letson	Sessions
Burton	Glover	Love	Stewart (Bibb)
Byars	Guy	Moxley	Thompson (Etowah)
Christian	Hall	Odom	Tiller
Coleman	Hampton	Parker	Ware
Cook	Hatter	Posey	Wyatt
Deloney	Henley	Ringer	Young
Dickinson	Henson	Russell	

—43

H. 90. To provide for the situs of debts to non-residents for the purpose of attachment.

Was read a third time at length and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Henson	Ringer
Adams	Cunningham	Hodgson	Russell
Arrington	Dickinson	Howard	Rutherford
Ashcraft (Fayette)	Dowdle	Howze	St. John
Ashcraft (Lauderdl.)	Dunwoody	Jeter	Sessions
Bealle	Fanning	Jones	Smith (Lee)
Blackwell	Forman	Lee	Sollie
Bowen, Lewis	Gaines	LeMaistre	Stewart (Bibb)
Bowen, L. K.	Glass	Letson	Thompson (Etowah)
Boykin	Glenn	Love	Tiller
Burns	Glover	Luck	Varner
Byars	Goode	Melton	Walker
Calloway	Grove	Norman	Wall
Cato	Guy	Odom	Ware
Christian	Hampton	Parker	Mrs. Wilkins
Coleman	Hatter	Patterson	Williams
Cook	Henley	Posey	Young

—68

And the bill was ordered sent to the Senate without engrossment.

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties of the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	Posey
Adams	Forman	Jones	Powell
Adcock	Gaines	Kilpatrick	Ringer
Allen	Glass	Lee	St. John
Arrington	Glenn	LeMaistre	Sessions
Bealle	Glover	Letson	Smith (Jefferson)
Bowen, Lewis	Goode	Long	Snodgrass
Bowen, L. K.	Goodwyn	Love	Sollie
Boykin	Graves	Luck	Tiller
Burns	Grove	McGowen	Tunstall
Burton	Guy	Melton	Tyson
Byars	Hall	Mooneyham	Varnier
Cato	Hampton	Moorer	Verner
Coleman	Hatter	Moxley	Walker
Cook	Henley	Nichols	Wall
Culver	Henson	Norman	Walton
Deloney	Hodgson	Odom	Ware
Dowdle	Hornsby	Parker	Williams
Elliott	Howard	Patterson	Wyatt
Embry	Howze	Poole	Young
Fanning	Hubbard		

—82

S. 95. To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Grove	Lee
Adams	Deloney	Guy	LeMaistre
Adcock	Dowdle	Hall	Letson
Allen	Elliott	Hampton	Long
Arrington	Embry	Hatter	Love
Bealle	Fanning	Henley	Luck
Bowen, Lewis	Fite	Henson	McGowen
Bowen, L. K.	Forman	Hodgson	Melton
Boykin	Gaines	Hornsby	Mooneyham
Burns	Glass	Howard	Moorer
Burton	Glenn	Howze	Moxley
Byars	Glover	Hubbard	Nichols
Cato	Goode	Jeter	Norman
Christian	Goodwyn	Jones	Odom
Cook	Graves	Kilpatrick	Parker

Patterson	Sessions	Tyson	Ware
Poole	Smith (Jefferson)	Varner	Mrs. Wilkins
Posey	Snodgrass	Verner	Williams
Powell	Sollie	Wall	Wyatt
Ringer	Tiller	Walton	Young
St. John	Tunstall		

—82

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Was read a third time at length and passed.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	Posey
Adams	Forman	Jones	Powell
Adcock	Gaines	Kilpatrick	Ringer
Allen	Glass	Lee	St. John
Arrington	Glenn	LeMaistre	Sessions
Bealle	Glover	Letson	Smith (Jefferson)
Bowen, Lewis	Goode	Long	Snodgrass
Bowen, L. K.	Goodwyn	Love	Sollie
Boykin	Graves	Luck	Tiller
Burns	Grove	McGowen	Tunstall
Burton	Guy	Melton	Tyson
Byars	Hall	Mooneyham	Varner
Calloway	Hampton	Moorer	Verner
Cato	Hatter	Moxley	Wall
Coleman	Henley	Nichols	Walton
Cook	Henson	Norman	Ware
Culver	Hodgson	Odom	Mrs. Wilkins
Dowdle	Hornsby	Parker	Williams
Elliott	Howard	Patterson	Wyatt
Embry	Howze	Poole	Young
Fanning	Hubbard		

—82

H. 230. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

Was read a third time at length and passed.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Adcock	Arrington	Bowen, L. K.
Adams	Allen	Bealle	Boykin

Burns	Goode	Letson	Rutherford
Burton	Goodwyn	Long	St. John
Byars	Graves	Love	Sessions
Calloway	Grove	Luck	Smith (Jefferson)
Cato	Guy	McGowen	Snodgrass
Christian	Hall	Melton	Sollie
Coleman	Hampton	Moorer	Tiller
Cook	Hatter	Moxley	Tunstall
Culver	Henley	Nichols	Tyson
Deloney	Henson	Norman	Varner
Dunwoody	Hodgson	Odom	Verner
Embry	Hornsby	Parker	Walker
Fanning	Howard	Poole	Wall
Fite	Howze	Posey	Walton
Forman	Hubbard	Powell	Ware
Gaines	Jeter	Ringer	Mrs. Wilkins
Glass	Jones	Rountree	Williams
Glenn	Lee	Russell	Young
Glover	LeMaistre		

—82

And the bill was ordered sent to the Senate without engrossment.

H. 50 (with substitute). To amend an Act entitled an Act "To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have been abolished, except in counties having a population of fifty thousand or more according to the last Federal census, and to define the powers, jurisdiction and duties of all the county courts which are hereby re-established, and of all county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined, and appeals taken therefrom and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to repeal all laws, whether local, general, or special in conflict with this act;" to eliminate the county of Autauga from the operation of said act; to provide for the disposition of all cases pending in the county court of Autauga at the time of the passage and approval of this act; to eliminate the salary of the judge of the county court of Autauga County, and to abolish the county court of Autauga County.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation, said substitute being as follows:

A BILL.

Substitute for H. 50:

To be entitled an Act to abolish the County Court of Autauga County.

Be it enacted by the Legislature of Alabama :

Section 1. That from and after the passage of this Act the County Court of Autauga County be and the same is hereby abolished.

Section 2. That the provision of the Act of the Legislature of Alabama 1915, approved September 25, 1915 (General Acts, pp. 862-5) insofar as the same applies to Autauga County, be and the same is hereby repealed.

Section 3. That all causes now pending and undisposed of in said County Court at the taking effect of this Act shall be transferred to the next session of the Grand Jury of the Circuit Court of said County, together with all papers and documents relating to said causes, together with the affidavits and warrants of arrest, for its consideration and action.

Section 4. That all judgments rendered by said County Court and unsatisfied as well as all executions issued from said County Court and all forfeitures rendered therein shall be enforced and returns made thereof to the Circuit Court of said County in the same manner and with the same force and effect, as if said judgments, forfeitures or executions had been originally made by the Circuit Court of said County of Autauga.

Section 5. That the Judge of said County Court immediately after this Act goes into effect shall certify to the Circuit Court of Autauga County all cases, documents and proceedings pending and undisposed of in said County Court, together with all unsatisfied judgments or forfeitures therein.

Section 6. That all laws relating to the salary of the Judge of said County Court of Autauga County be and the same are hereby repealed, and provided further that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 7. That this Act shall go into immediate effect upon its passage and approval.

And the substitute was adopted.

Yeas, 82; nays, 0.

Yeas :

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Bealle

Boykin

Burns

Burton

Byars

Calloway

Cato

Christian

Coleman

Cook

Culver

Cunningham

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Fite

Forman

Gaines

Glass

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hampton

Hatter

Henley

Henson

Hodgson

Hornsby

Howard

Howze

Hubbard

Jeter	Posey	Smith (Jefferson)	Verner
Jones	Powell	Smith (Lee)	Walker
Moorer	Ringer	Snodgrass	Wall
Moxley	Rountree	Sollie	Walton
Nichols	Russell	Thompson (Etowah)	Ware
Norman	Rutherford	Tiller	Mrs. Wilkins
Odom	St. John	Tunstall	Williams
Parker	Sanders (Conecuh)	Tyson	Wyatt
Patterson	Sanders (Pike)	Varner	Young
Poole	Sessions		

And the bill:

H. 50. To amend an Act entitled an Act "To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have been abolished, except in counties having a population of fifty thousand or more according to the last Federal census, and to define the powers, jurisdiction and duties of all the county courts which are hereby re-established, and of all county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined, and appeals taken therefrom and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to repeal all laws, whether local, general, or special in conflict with this act;" to eliminate the county of Autauga from the operation of said act; to provide for the disposition of all cases pending in the county court of Autauga at the time of the passage and approval of this act; to eliminate the salary of the judge of the county court, of Autauga County, and to abolish the county court of Autauga County.

As amended by the substitute, was read a third time at length and passed.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Forman	Hatter
Adams	Cook	Gaines	Henley
Adcock	Culver	Glass	Henson
Allen	Cunningham	Glenn	Hodgson
Bealle	Deloney	Glover	Hornsby
Boykin	Dickinson	Goode	Howard
Burns	Dowdle	Goodwyn	Howze
Burton	Dunwoody	Graves	Hubbard
Byars	Elliott	Grove	Jeter
Calloway	Embry	Guy	Jones
Cato	Fanning	Hall	Moorer
Christian	Fite	Hampton	Moxley

Nichols	Rountree	Snodgrass	Walker
Norman	Russell	Sollie	Wall
Odom	Rutherford	Thompson (Etowah)	Walton
Parker	St. John	Tiller	Ware
Patterson	Sanders (Conecuh)	Tunstall	Mrs. Wilkins
Poole	Sanders (Pike)	Tyson	Williams
Posey	Sessions	Varner	Wyatt
Powell	Smith (Jefferson)	Verner	Young
Ringer	Smith (Lee)		

—82

And the bill H. 50 was ordered sent to the Senate without engrossment.

MOTION IN WRITING.

Mr. Lewis Bowen gave the following motion in writing:

That Senate Bill No. 2, by Mr. Brower, on the House Calendar for today, be made a special and continuing order of business for 12:30 o'clock on the Thirteenth Legislative Day.

The rules were suspended and the motion was adopted.

Yeas, 79; nays, 13.

Yeas:

Messrs:

Adams	Dunwoody	Lee	Sessions
Adcock	Elliott	Letson	Smith (Jefferson)
Arrington	Fanning	Love	Smith (Lee)
Ashcraft (Fayette)	Fite	Luck	Snodgrass
Ashcraft (Lauderd ¹)	Forman	Melton	Sollie
Blackwell	Gaines	Mooneyham	Stewart (Bibb)
Bowen, Lewis	Glass	Moorer	Stewart (Calhoun)
Bowen, L. K.	Glenn	Moxley	Thompson (Etowah)
Boykin	Glover	Nichols	Tiller
Burns	Goode	Odom	Tyson
Burton	Guy	Parker	Varner
Byars	Hall	Patterson	Verner
Calloway	Hampton	Poole	Walker
Christian	Henley	Posey	Wall
Coleman	Henson	Powell	Walton
Cook	Hodgson	Ringer	Ware
Culver	Hornsby	Russell	Williams
Deloney	Howard	Rutherford	Wyatt
Dickinson	Hubbard	Sanders (Conecuh)	Young
Dowdle	Jeter	Sanders (Pike)	

—79

Nays:

Messrs:

Mr. Speaker	Goodwyn	Howze	Norman
Bealle	Graves	Jones	Tunstall
Cato	Grove	LeMaistre	Mrs. Wilkins
Cunningham			

—13

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson county, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and Second Street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn, and by the East Lake Land Company's map of its survey of East Lake; and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Also:

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Also:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars (\$454.00), to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

Also:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justice of the peace therein to be called the Inferior Court of York.

Also:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

And finds same correctly enrolled.

T. H. Tyson,
Acting Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

Was taken up. Mr. Fite offered the following amendment to the bill:

Amend Section 1 by adding after the words "And having on deposit in this State the deposit required by law of insurance companies to do such business," where they appear together therein the following words:

"Or has the necessary deposit in some other State and has furnished to the Commissioner of Insurance the required certificate of such deposit."

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jeter	Sanders (Pike)
Adams	Dickinson	Jones	Sessions
Adcock	Dowdle	Lee	Smith (Lee)
Ashcraft (Fayette)	Fanning	Letson	Snodgrass
Ashcraft (Lauderd'l)	Fite	Luck	Sollie
Bealle	Forman	Mooneyham	Stewart (Calhoun)
Blackwell	Glass	Moorer	Tyson
Boykin	Glover	Moxley	Varner
Burns	Goode	Nichols	Verner
Burton	Goodwyn	Norman	Walker
Byars	Guy	Odum	Wall
Christian	Hampton	Parker	Walton
Cook	Henley	Posey	Ware
Culver	Henson	Ringer	Williams
Cunningham	Howard	Rutherford	Young

—60

And the bill:

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the States and re-insures its policy holders in this State.

As amended, was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howze	Ringer
Adams	Fanning	Hubbard	Rountree
Ashcraft (Fayette)	Fite	Lee	Sanders (Conecuh)
Ashcraft (Lauderd'l)	Gaines	Letson	Sessions
Bealle	Glover	Luck	Smith (Jefferson)
Blackwell	Goode	Melton	Smith (Lee)
Bowen, Lewis	Graves	Mooneyham	Sollie
Boykin	Grove	Moorer	Stewart (Bibb)
Burns	Guy	Moxley	Stewart (Calkoun)
Burton	Hall	Nichols	Tyson
Cato	Hampton	Norman	Varner
Christian	Hatter	Odom	Verner
Cook	Henley	Parker	Walker
Culver	Henson	Patterson	Walton
Cunningham	Hodgson	Posey	Ware
Deloney	Hornsby	Powell	Young
Dickinson			

—65

H. 104. To require instruction in the public schools in this State in regards to the humane protection of animals.

Was read a third time at length and passed.

Yeas, 62; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Culver	Hodgson	Rountree
Adams	Cunningham	Howze	Russell
Adcock	Deloney	Jones	Sanders (Conecuh)
Ashcraft (Fayette)	Dickinson	Love	Sessions
Ashcraft (Lauderd'l)	Dowdle	Luck	Smith (Jefferson)
Bealle	Elliott	Melton	Sollie
Blackwell	Fanning	Mooneyham	Stewart (Bibb)
Bowen, Lewis	Glass	Moorer	Tiller
Boykin	Glover	Nichols	Varner
Burns	Goode	Norman	Verner
Burton	Goodwyn	Odom	Wall
Byars	Grove	Parker	Walton
Calloway	Guy	Patterson	Ware
Christian	Hampton	Powell	Wyatt
Coleman	Henley	Ringer	Young
Cook	Henson		

—62

Nays: Mr. Sanders of Pike—1.

And the bill H. 104 was ordered sent to the Senate with engrossment.

INDEFINITELY POSTPONED.

On motion of Mr. Howze,

H. 29. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the

person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the municipal authorities of the city within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Was indefinitely postponed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the date and hour named, and that I hold the receipts of the executive department for same:

February 6, 1923, at 12:35 P. M.

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and second street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue; from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn, and by the East Lake Land Company's map of its survey of East Lake: and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Also:

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Also:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars (\$454.00), to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the pro-

visions of an Act of the Legislature of Alabama, approved January 27, 1919.

Also:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justice of the Peace therein to be called the Inferior Court of York.

Also:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

J. H. Stewart,
Clerk.

SPECIAL ORDER.

The hour of 12:30 having arrived, under a motion heretofore adopted, the House proceeded to the consideration of the Special Order, which was the bill:

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

Mr. Long offered the following amendment to the bill:

Amend S. 2 by adding thereto the following: Provided, however, that the properties and plants of any person, firm or corporation shall be exempt from taxation under this section where the construction of any such properties or plants was begun prior to the approval of this act and on which exemption from taxation provided in this section has not expired.

Mr. Arrington moved that the House recess until 3 o'clock P. M., and the motion of Mr. Arrington was lost.

Yeas, 33; nays, 60.

Yeas:

Messrs:

Mr. Speaker	Goode	Jones	Poole
Adcock	Goodwyn	Kilpatrick	Rountree
Arrington	Graves	Lee	Rutherford
Ashcraft (Fayette)	Grove	LeMaistre	St. John
Bealle	Guy	Long	Sanders (Conecuh)
Calloway	Hodgson	McGowen	Tunstall
Cato	Howze	Melton	Varner
Cunningham	Hubbard	Norman	Mrs. Wilkins
Glass			

—33

Nays:

Messrs:

Adams	Blackwell	Boykin	Byars
Allen	Bowen, Lewis	Burns	Christian
Ashcraft (Lauderd ¹)	Bowen, L. K.	Burton	Coleman

Cook	Hall	Odom	Sollie
Culver	Hampton	Parker	Stewart (Bibb)
Deloney	Henson	Patterson	Thompson (Etowah)
Dowdle	Hornsby	Posey	Tiller
Dunwoody	Howard	Powell	Tyson
Elliott	Jeter	Ringer	Verner
Fanning	Letson	Russell	Walker
Fite	Love	Sanders (Pike)	Walton
Forman	Luck	Sessions	Ware
Gaines	Mooneyham	Smith (Jefferson)	Williams
Glenn	Moorer	Smith (Lee)	Wyatt
Glover	Nichols	Snodgrass	Young

—60

Mr. Coleman moved to table the amendment offered by Mr. Long, and the motion to table prevailed.

Yeas, 75; nays, 22.

Yeas:

Messrs:

Mr. Speaker	Culver	Hubbard	St. John
Adams	Deloney	Jeter	Sanders (Pike)
Adcock	Dickinson	Jones	Sessions
Allen	Dowdle	Letson	Smith (Jefferson)
Arrington	Dunwoody	Love	Smith (Lee)
Ashcraft (Fayette)	Fanning	Luck	Snodgrass
Ashcraft (Lauderdl.)	Fite	Melton	Sollie
Blackwell	Forman	Mooneyham	Stewart (Bibb)
Bowen, Lewis	Gaines	Moorer	Thompson (Etowah)
Bowen, L. K.	Glenn	Moxley	Tiller
Boykin	Glover	Nichols	Tyson
Burns	Guy	Odom	Walker
Burton	Hall	Parker	Wall
Byars	Hampton	Patterson	Walton
Calloway	Henley	Posey	Ware
Cato	Henson	Powell	Williams
Christian	Hodgson	Ringer	Wyatt
Coleman	Hornsby	Russell	Young
Cook	Howard	Rutherford	

—75

Nays:

Messrs:

Bealle	Graves	LeMaistre	Rountree
Cunningham	Grove	Long	Sanders (Conecuh)
Elliott	Hatter	McGowen	Tunstall
Glass	Howze	Norman	Verner
Goode	Kilpatrick	Poole	Mrs. Wilkins
Goodwyn	Lee		

—22

And the bill:

S. 2. To repeal section 2069 of the Code of Alabama of 1907. Was read a third time at length and passed.

Yeas, 90; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howze	Russell
Adams	Dowdle	Hubbard	Rutherford
Adcock	Dunwoody	Jeter	St. John
Allen	Elliott	Jones	Sanders (Conecuh)
Arrington	Embry	Lee	Sanders (Pike)
Ashcraft (Fayette)	Fanning	Letson	Sessions
Ashcraft (Lauderdl.)	Fite	Love	Smith (Jefferson)
Bealle	Forman	Luck	Smith (Lee)
Blackwell	Gaines	McGowen	Snodgrass
Bowen, Lewis	Glass	Melton	Sollie
Bowen, L. K.	Glenn	Mooneyham	Stewart (Bibb)
Boykin	Glover	Moorer	Thompson (Etowah)
Burns	Goode	Moxley	Tiller
Burton	Graves	Nichols	Tyson
Byars	Grove	Odom	Verner
Calloway	Guy	Parker	Walker
Cato	Hall	Patterson	Wall
Christian	Hampton	Poole	Walton
Coleman	Henley	Posey	Ware
Cook	Henson	Powell	Williams
Culver	Hodgson	Ringer	Wyatt
Cunningham	Hornsby	Rountree	Young
Deloney	Howard		

—90

Nays:

Messrs:

Goodwyn	Norman	Tunstall	Mrs. Wilkins
Long			

—5

RECESS.

On motion of Mr. Long the House recessed until 4 P. M.

AFTERNOON SESSION.

The hour of 4 o'clock having arrived, the House reconvened.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Rives and Thompson of Jackson.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Adams:

H. 267. To further provide for the revenue of the State of Alabama.

Ways, Means and Appropriations.

By Mr. Jeter:

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this act.

Revision of Laws.

By Mr. Goodwyn:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Judiciary.

BILLS ON SECOND READING.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the City of Birmingham, in Jefferson County, Alabama, which was formerly known as the Jonesville Road, extending from the West side of Sixteenth Street North to the East side of Milton Avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2257.9) feet, and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the City of Birmingham, in Jefferson County, Alabama: Beginning at a point on the Southwest (SW) line of Thornton Street where the center of Motley Avenue if extended Southwestwardly would intersect same, then southeasterly along the line of Thornton Street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course Southwesterly parallel to the center line of Motley Avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second Avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the North line of Second Avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the North line of Second Avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley Avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the Southwest (SW) line of Thorn-

ton Street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the Southwest (SW) line of Thornton Street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

The above and foregoing bills were read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to:

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Also:

S. 95. To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Also:

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Also:

S. 49. To amend Section 5439 of the Code of Alabama of 1907.

Also:

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

Also:

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The question was upon concurring in the Senate amendment to the bill H. 163, said Senate amendment being as follows:

SENATE SUBSTITUTE TO HOUSE BILL 163

A Bill to be entitled an Act, imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

Be it enacted by the Legislature of Alabama, That:

Section 1. As used in this Act the term "gasoline" shall include gasoline, naphtha, and other liquid motor fuels commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commercially known as "kerosene oil," "distillates," "gas oil," "fuel oil," or "crude oil."

The word "person" means and includes every person, corporation, co-partnership, companies, agencies or associations.

The word "distributor" shall include any person who shall sell gasoline as herein defined in this State by wholesale, but shall not apply to any transaction in interstate commerce.

The term "retail dealer" shall include any person as herein defined engaged in the sale of gasoline as herein defined at any place in this State in broken quantities.

Section 2. Any retail dealer in gasoline shall pay an excise tax of two cents per gallon upon the sale of gasoline by said retailer in this State, provided that any gasoline sold in interstate commerce shall not be taxed.

Section 3. On or before the 20th day of each month after this act shall take effect, every distributor of gasoline and every retail dealer of gasoline shall render to the State Tax Commission on forms prescribed by said commission a true and correct statement of all gasoline sold by such distributor or retail dealer during the next preceding month liable for the payment of the excise tax herein prescribed, and shall furnish to said Commission such additional information as said Commission may require on blanks to be furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

The statement herein required to be made by the distributor or retail dealer shall be sworn to before some officer authorized to administer oaths and the making of any false or fraudulent statement shall constitute perjury, upon the conviction of which the person so convicted shall be punished as otherwise provided by law for the crime of perjury.

Section 4. All distributors or retail dealers shall keep in Alabama at some certain place or office such books, documents or papers as will show clearly the amount of sales of gasoline made in this State covered by this Act.

Section 5. Within thirty days after the passage of this Act every distributor and retail dealer engaged in the sale of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or retail dealer of gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose. After this Act becomes effective, no person shall engage in selling as a distributor or retail dealer any gasoline covered by the provisions of this Act in this State until he shall have made such report to the State Tax Commission.

Section 6. If any distributor or retail dealer in gasoline in this State covered by the provisions of this Act shall fail to

make any report to the State Tax Commission as required herein, he shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Fifty (\$50.00) nor more than two hundred Dollars (\$200.00) for each offense.

Section 7. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the said Commission shall have the right itself or by any of its members or agents to examine the books of every such distributor or retail dealer of gasoline covered by this Act.

Section 8. The proceeds of the excise tax prescribed in this Act shall be divided between the State and the several counties thereof as follows: One-half of such proceeds shall be paid into the State Treasury to the credit of the general fund to be used for general state purposes; the other half shall be divided and distributed equally among the sixty-seven counties of the State. The one-half of such proceeds due the several counties when collected by the State Tax Commission shall be paid to the State Treasurer, and the State Tax Commission shall also at the same time certify to the State Auditor the amount which is due to each county. The State Auditor shall at the end of each month after the said funds are so certified to him draw his warrant upon the State Treasurer payable to the County Treasurer or the County Depositary of each of the several counties for the several amounts so due each county; and each of the county treasurers or county depositaries of the several counties so receiving such warrants shall place such warrants or the proceeds thereof to the credit of the road and bridge fund of the particular county. And such fund so placed to the credit of the road and bridge fund in each county shall be used for the construction and maintenance of the public highways and bridges in such counties and for no other purpose.

Section 9. The acceptance of any amount paid for the excise tax provided for in this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. The forms of all statements and reports required herein shall be prescribed and furnished by the State Tax Commission. All costs of the enforcement of this act shall be paid out of the funds derived from the excise tax herein prescribed, upon the warrant of the State Auditor drawn upon the voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 11. If any distributor or retail dealer of gasoline covered by this Act fail to make the prescribed monthly return, the State Tax Commission shall make a return for such delinquent upon such information as may be reasonably obtained, assess the

tax thereon, and add a penalty of 25% of the tax to the amount as assessed. The State Tax Commission shall as soon as practicable and before the thirtieth day of each month certify to the State Treasurer the names of all persons liable to pay the tax herein provided, together with the post office address and the amount of the tax and if any such taxes shall not have been paid, the Chairman of the State Tax Commission shall issue executions for the collection of such taxes directed to any sheriff of the State, who shall proceed to collect the same in the manner now prescribed by law for the collection of delinquent taxes by County Tax Collectors and make return of such executions to the State Tax Commission.

The taxes and all penalties herein provided for shall be held as a debt payable to the State by the person against whom the same shall be charged, and all such taxes, penalties and assessments shall be a lien upon all property on this State of the party charged therewith.

Section 12. If the distributor and the retailer agree that the distributor shall pay such excise tax then the distributor shall collect from the retailer and pay to the State Tax Commission the excise tax in this Act provided. No retail dealer shall be again required to pay such excise tax when the same shall have been so collected and paid by the distributor.

Section 13. Any distributor or retail dealer who shall violate any of the provisions of this act may be restrained by proper proceedings instituted in the name of the State of Alabama by the Attorney General or any Circuit Solicitor from either distributing or selling gasoline, the sale of which is taxable in this State, until he shall have complied with the provisions of this Act.

Section 14. All other State excise and inspection taxes on the sale of gasoline imposed before the passage of this Act shall be and the same are hereby repealed, and all State laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 15. Should any section or any part of this Act be declared unconstitutional it shall not invalidate the remainder thereof.

Section 16. This Act shall take effect on the first day of the month next succeeding its passage.

On motion of Mr. Long, the House refused to concur in the Senate amendment to the bill H. 163, and asked for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill H. 163, and the Speaker named as conferees on part of the House Messrs. Long, Tunstall and Ashcraft of Lauderdale.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:
By Mr. Griffith:

S. 138. To prohibit the operation for hire or reward of pool tables, pin pool tables, billiard tables, or tables on which games of like kind are played in the State of Alabama, and to provide for the enforcement thereof.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 138.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Randall:

S. J. R. 67. Whereas, there are about 6,500 sailors in the Confederate Navy from the 13 Confederate States, averaging 500 from each State whose records of enlistment, service and discharge were destroyed when Richmond was evacuated; and

Whereas, their survivors find it difficult to secure pensions, or gain admittance into the Soldiers' homes without such records; and

Whereas, there are to be found among the families of their descendants valuable papers, consisting of official documents, letters and other data that will enable those records to be established; and

Whereas, Admiral A. O. Wright is now in Alabama rescuing such records, which when recovered are to be placed in the historic archives of this State, alongside those of the Confederate soldiers on file there;

Now, Therefore, Be it resolved by the Senate, the House of Representatives, concurring:

1. That the efforts of Admiral Wright and his surviving shipmates of the Confederate Navy to rescue such records be endorsed and commended to the consideration and support of the people of Alabama.

2. Further, that the municipal and patriotic organizations of Alabama be requested to assist Admiral Wright by tag days and other methods to raise the necessary fund for that purpose, and in order that his work may be thorough we request that all county officials, and all benevolent organizations make a full investigation in their respective localities to ascertain all that can be learned whether or no there ever lived among them a Confederate sailor, and if so advise the authorities in order that his case may be investigated and his record established.

3. Further, that a copy of these resolutions be sent to Admiral Wright.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Goodwyn, the rules were suspended and the House concurred in and adopted the S. J. R. 67, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended, as therein shown and, as amended, has passed the following House bill:

H. 139. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important constitutional questions and

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Goodwyn the House concurred in the Senate amendment to the bill H. 139, said Senate amendment being as follows:

Amend the bill by inserting after word "Acts" at the beginning of the 8th line of the Second Section the following words "or contemplated Acts."

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Kilpatrick	Sanders (Pike)
Adams	Fanning	LeMaistre	Sessions
Adcock	Forman	Letson	Smith (Jefferson)
Allen	Gaines	Love	Smith (Lee)
Ashcraft (Fayette)	Glass	Luck	Snodgrass
Bealle	Glenn	McGowen	Stewart (Bibb)
Blackwell	Glover	Melton	Stewart (Calhoun)
Bowen, L. K.	Goode	Moorer	Thompson (Etowah)
Boykin	Goodwyn	Moxley	Tiller
Burns	Graves	Nichols	Tunstall
Burton	Grove	Odom	Tyson
Calloway	Guy	Parker	Verner
Cato	Hall	Patterson	Walker
Christian	Hatter	Posey	Wall
Coleman	Henley	Powell	Walton
Cook	Hodgson.	Ringer	Ware
Culver	Howard	Rountree	Mrs. Wilkins
Cunningham	Howze	Russell	Williams
Dickinson	Hubbard	St. John	Wyatt
Dowdle	Jeter	Sanders (Conecuh)	Young
Elliott	Jones		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 68. Be it resolved by the Senate, the House concurring, That when the two Houses adjourn today they adjourn to meet on Thursday morning, February 8, 1923, at Ten o'clock A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 68, set out in the above and foregoing message from the Senate, was adopted.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Glover gave notice that on the next Legislative Day he would move to take S. 6 from the Adverse Calendar.

MOTION IN WRITING.

Mr. Jeter made the following motion in writing:

That House bills 60 and 61 on Page 3 of the Calendar be and are made a special and continuing order of business at 4:45 on the Thirteenth Legislative Day.

The motion was lost and the motion in writing was referred to the Standing Committee on Rules.

RESOLUTION.

The following resolution was introduced and referred to the Standing Committee on Rules:

By Mr. Ashcraft of Lauderdale:

H. R. 46. Be it resolved by the House of Representatives that Senate bill No. 112 be made a special and continuing order by the House for 11 o'clock A. M. on the Fourteenth Legislative Day.

BILLS ON THIRD READING.

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Was read a third time at length and passed.

Yeas, 86; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Rountree
Adams	Dowdle	Hubbard	Russell
Adcock	Dunwoody	Jones	St. John
Allen	Elliott	Kilpatrick	Sanders (Pike)
Ashcraft (Fayette)	Embry	Lee	Sessions
Ashcraft (Lauderdl.)	Fanning	LeMaistre	Smith (Jefferson)
Bealle	Fite	Letson	Smith (Lee)
Blackwell	Forman	Long	Snodgrass
Bowen, Lewis	Gaines	Luck	Stewart (Bibb)
Bowen, L. K.	Glenn	McGowen	Stewart (Calhoun)
Boykin	Glover	Melton	Tiller
Burns	Goode	Mooneyham	Tunstall
Burton	Goodwyn	Moorer	Tyson
Byars	Graves	Nichols	Varnier
Calloway	Grove	Norman	Verner
Cato	Guy	Odom	Walker
Christian	Hall	Parker	Wall
Coleman	Hampton	Patterson	Walton
Cook	Henley	Posey	Mrs. Wilkins
Culver	Henson	Powell	Wyatt
Cunningham	Hodgson	Ringer	Young
Deloney	Hornsby		

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S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

Was read a third time at length and passed.
Yeas, 85; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Kilpatrick	Rutherford
Adams	Embry	Lee	St. John
Adcock	Fanning	LeMaistre	Sanders (Concuh)
Allen	Fite	Letson	Sanders (Pike)
Ashcraft (Fayette)	Forman	Love	Sessions
Ashcraft (Lauderdl.)	Gaines	Luck	Smith (Lee)
Bealle	Glenn	McGowen	Snodgrass
Blackwell	Glover	Melton	Stewart (Bibb)
Bowen, Lewis	Goode	Mooneyham	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	Moorer	Thompson (Etowah)
Boykin	Grove	Moxley	Tiller
Burns	Guy	Nichols	Tunstall
Burton	Hall	Norman	Tyson
Byars	Hampton	Odom	Varner
Calloway	Hatter	Parker	Verner
Cato	Henson	Patterson	Walker
Christian	Hodgson	Poole	Wall
Coleman	Howard	Posey	Walton
Culver	Howze	Ringer	Mrs. Wilkins
Cunningham	Hubbard	Rountree	Wyatt
Dowdle	Jones	Russell	Young
Dunwoody			

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INDEFINITELY POSTPONED.

On motion of Mr. Powell, H. 147, to provide for the election of a Trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama, was indefinitely postponed.

BILLS ON THIRD READING.

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Was read a third time at length and passed.
Yeas, 79; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Dunwoody	Goodwyn
Adams	Burton	Elliott	Graves
Adcock	Byars	Embry	Grove
Allen	Calloway	Fanning	Guy
Ashcraft (Fayette)	Cato	Fite	Hatter
Ashcraft (Lauderdl.)	Coleman	Forman	Henley
Blackwell	Cook	Gaines	Henson
Bowen, Lewis	Culver	Glenn	Hodgson
Bowen, L. K.	Cunningham	Glover	Hornsby
Boykin	Deloney	Goode	Jeter

Jones	Mooneyham	St. John	Varner
Kilpatrick	Moxley	Sanders (Pike)	Verner
Lee	Nichols	Sessions	Walker
LeMaistre	Norman	Snodgrass	Wall
Letson	Odom	Sollie	Walton
Long	Patterson	Stewart (Calhoun)	Ware
Love	Posey	Thompson (Etowah)	Mrs. Wilkins
Luck	Ringer	Tiller	Williams
McGowen	Russell	Tunstall	Young
Melton	Rutherford	Tyson	

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And the bill was ordered sent to the Senate without engrossment.

H. 132. To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order in payment of any obligation or debt, with intent to defraud; to fix the punishment for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws, said substitute being as follows:

Substitute for H. 132:

A BILL.

To be entitled an Act to prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order, with intent to defraud; to fix the punishment for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

Be it enacted by the Legislature of Alabama:

Section 1. That any person, acting for himself or another, who, with intent to defraud, shall obtain any money, merchandise, property, or thing of value, though no express representation is made in reference thereto, or who, with such intent, shall make, draw, utter or deliver any check, draft, or order for the payment of money, upon any bank, depository, person, firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in, or credit with such bank, depository, person, firm or corporation for the payment in full of such check, draft or order, upon its due presentation, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars, and may also be sentenced to hard labor for the county for not longer than six months.

Section 2. That the making, drawing, uttering or delivery of any such check, draft or order, upon which payment is refused on due presentation, because of lack of funds, shall be deemed prima facie evidence of intent to defraud, within the meaning

of Section 1 of this Act. The word "credit," as herein used, shall be construed to mean an arrangement or understanding with the bank, depository, person, firm or corporation for the payment of such check, draft or order. That upon the trial of any person, charged with violating this act, the defendant shall be a competent witness to testify to his circumstances and intent when he drew the check, draft or order.

Section 3. That this Act shall go into effect immediately upon its passage and approval.

Section 4. That all laws and parts of laws, general or local, in conflict herewith are hereby repealed.

And the substitute was adopted.

Yeas, 68; nays, 12.

Yeas:

Messrs:

Adams	Elliott	Howze	Russell
Adcock	Embry	Jones	Rutherford
Allen	Fanning	Kilpatrick	St. John
Ashcraft (Fayette)	Fite	Letson	Sanders (Conecuh)
Ashcraft (Lauderdl.)	Forman	Luck	Sessions
Bealle	Gaines	McGowen	Smith (Lee)
Burns	Glenn	Mooneyham	Snodgrass
Byars	Glover	Moorer	Stewart (Calhoun)
Calloway	Goode	Moxley	Thompson (Etowah)
Cato	Graves	Nichols	Varnier
Cook	Grove	Norman	Verner
Culver	Guy	Odom	Walker
Cunningham	Hatter	Poole	Wall
Deloney	Henley	Posey	Walton
Dickinson	Hodgson	Powell	Ware
Dowdle	Hornsby	Ringer	Wyatt
Dunwoody	Howard	Rountree	Young

Nays:

Messrs:

Bowen, L. K.	Christian	Glass	Parker
Boykin	Coleman	Henson	Sanders (Pike)
Burton	Deloney	Jeter	Stewart (Bibb)

And the bill:

H. 132. To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order in payment of any obligation or debt, with intent to defraud; to fix the punishment for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

As amended by the substitute, was read a third time at length and passed.

Yeas, 55; nays, 22.

Yeas:

Messrs:

Adams	Embry	LeMaistre	Sessions
Adcock	Fanning	Luck	Smith (Lee)
Allen	Fite	Melton	Sollie
Ashcraft (Fayette)	Forman	Mooneyham	Stewart (Calhoun)
Burns	Glenn	Moorer	Thompson (Etowah)
Burton	Goode	Moxley	Verner
Byars	Graves	Nichols	Walker
Calloway	Grove	Norman	Wall
Cato	Henley	Odom	Walton
Cook	Henson	Poole	Ware
Cunningham	Hodgson	Rountree	Mrs. Wilkins
Dickinson	Hornsby	Russell	Wyatt
Dowdle	Howze	Rutherford	Young
Elliott	Jones	St. John	

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Nays:

Messrs:

Ashcraft (Lauderdl.)	Coleman	Letson	Posey
Bealle	Deloney	Long	Ringer
Bowen, L. K.	Glass	Love	Sanders (Conecuh)
Boykin	Jeter	McGowen	Sanders (Pike)
Burton	Kilpatrick	Parker	Snodgrass
Christian	Lee		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

And the President of the Senate has appointed as conferees on the part of the Senate, Messrs. Ellis, Foster and Tunstall.

And returns said bill and amendment herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended, as therein shown and, as amended, has passed the following House bill:

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under

general or special laws of this State or that may hereafter be incorporated under general laws.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Bealle, the House concurred in the Senate amendment to the bill H. 45, said Senate amendment being as follows:

Amend the Bill by substituting for subdivision (B) of Section 1 the following:

Such incorporated Convention and Association shall have power to receive, purchase, own and possess, buy and sell any and all necessary property, real, personal and mixed as shall be needful for its use in the conduct of religious, educational and charitable work and may accept gifts, donations, pledges and moneys and other properties to any extent and to any amount, and, so long as its properties are exclusively devoted to religious, educational and charitable purposes, the same shall be exempt from all State, county, municipal or other taxes.

Yeas, 83; nays, 0.

Mr. Speaker	Dickinson	Hubbard	Sessions
Adams	Dowdle	Jeter	Smith (Lee)
Adcock	Elliott	Jones	Snodgrass
Allen	Embry	Kilpatrick	Sollie
Ashcraft (Fayette)	Fanning	Lee	Stewart (Bibb)
Ashcraft (Lauderd ¹)	Fite	LeMaistre	Stewart (Calhoun)
Bealle	Gaines	Letson	Thompson (Etowah)
Blackwell	Glass	Love	Tiller
Bowen, Lewis	Glenn	Luck	Tunstall
Bowen, L. K.	Goode	Melton	Tyson
Boykin	Goodwyn	Moorer	Varner
Burns	Graves	Nichols	Verner
Burton	Grove	Norman	Walker
Byars	Guy	Odom	Wall
Cato	Hatter	Poole	Walton
Christian	Henley	Posey	Ware
Coleman	Henson	Powell	Mrs. Wilkins
Cook	Hodgson	Ringer	Williams
Culver	Hornsby	Russell	Wyatt
Cunningham	Howard	St. John	Young
Deloney	Howze	Sanders (Pike)	

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Pelham (By request) :

S. 146. To amend Section 2044 of the Code of Alabama.

Also:

By Mr. Powell:

S. 128. To amend Section 6110 of the Code of Alabama.

Also:

By Mr. Martin:

S. 81. To amend Section 2472 of the Code of 1907 of Alabama.

Also:

By Mr. Hutson:

S. 34. To amend Section 3627 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 34, S. 128.

Revision of Laws, S. 81.

Pensions and Soldiers' Home, S. 146.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 62. To amend an act approved September 5th, 1919, entitled "An act to further extend the power and authority of boards of revenue of counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Also:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the criminal code of Alabama, 1907.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 20. To repeal Section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

J. E. Speight,
Secretary.

ADJOURNMENT.

In accordance with Senate Joint Resolution heretofore adopted, the House adjourned until Thursday, February 8th, 1923, at 10 o'clock A. M.

FOURTEENTH DAY.

House of Representatives,
Thursday, February 8th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Thompson, member of the House from the County of Etowah.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Culver	Hall	McGowen
Adams	Cunningham	Hampton	Melton
Adcock	Deloney	Hatter	Mooneyham
Allen	Dickinson	Hawkins	Moorer
Arrington	Dowdle	Henley	Moxley
Ashcraft (Fayette)	Dunwoody	Henson	Nichols
Ashcraft (Lauderdl.)	Elliott	Hodgson	Norman
Bealle	Embry	Hornsby	Odom
Blackwell	Fanning	Howard	Parker
Bowen, Lewis	Fite	Howze	Patterson
Bowen, L. K.	Forman	Hubbard	Poole
Boykin	Gaines	Jeter	Posey
Burns	Glass	Jones	Powell
Burton	Glenn	Kilpatrick	Ringer
Byars	Glover	Lee	Rountree
Calloway	Goode	LeMaistre	Russell
Cato	Goodwyn	Letson	Rutherford
Christian	Graves	Long	St. John
Coleman	Grove	Love	Sanders (Conecuh)
Cook	Guy	Luck	Sanders (Pike)

Sessions	Stewart (Bibb)	Varner	Ware
Smith (Clay)	Stewart (Calhoun)	Verner	Mrs. Wilkins
Smith (Jefferson)	Thompson (Etowah)	Walker	Williams
Smith (Lee)	Tiller	Wall	Wyatt
Snodgrass	Tunstall	Walton	Young
Sollie	Tyson		

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Thirteenth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Thirteenth Day was approved.

House of Representatives,
Montgomery, Alabama.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that they have examined the following House bill:

H. 132. To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order with intent to defraud; to fix the punishment for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

And find same correct.

Lee Glenn,
Chairman Engrossed Bills Committee.

The report of the Committee was concurred in and adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. L. K. Bowen:

H. 270. To safeguard life and property on the railroads of Alabama by requiring said railroads to use adequate crews on trains operated by them.

Labor and Immigration.

By Mr. Odom:

H. 271. To further regulate the imposition of a privilege tax by counties on tonnage wagons or other vehicles.

Ways, Means and Appropriations.

By Mr. Goodwyn:

H. 272. To regulate the practice of Architects, Civil Engineers, Chemical Engineers, Electrical Engineers, Mechanical Engineers, Mining Engineers, Metallurgical Engineers, Naval Architects, Marine Engineers, and Land Surveyors; to create a State Board of Registration with general control and supervision of such regulations; to provide fees and expenses for such Board and to fix penalties for any violation of this act.

Mining and Manufacturing.

By Mr. Parker:

H. 273. To provide for the disposition of moneys accruing to the credit of specific funds, which moneys are set aside in the State Treasury to the specific credit of that fund.

Ways, Means and Appropriations.

By Mr. Blackwell (with notice and proof):

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

Local Legislation.

Notice and proof H. 274:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to establish a road law for Monroe County, Alabama. Also providing for a per capita tax in lieu of labor for the use of the public roads of Monroe County, Alabama, and for the assessment and collection thereof; also for the levying and collection of a license tax for vehicles and other motor driven trucks. Also providing for the duties of the members of the Board of Revenue with reference to public roads and bridges of Monroe County, Alabama.

This the 9th day of January, 1923.

W. R. Blackwell,

Member Legislature from Monroe County.

The State of Alabama, }
Monroe County. }

Before me, a Notary Public in and for said State and County, personally appeared Q. Salter, publisher of The Monroe Journal, a newspaper

published in said county, who being by me first duly sworn, deposes and says that the advertisement, a copy of which is hereto attached, was published in said paper for four consecutive weeks, that is to say, on January 11, 18, 25, and February 1, 1923.

Q. Salter.

Sworn to and subscribed before me this 5th day of February, 1923.

J. F. McCordey,

Notary Public, Monroe County, Alabama.

By Mr. Adcock:

H. 275. To amend parts or subdivisions four (4) and eleven (11) of an Act of the Legislature of Alabama, approved Sept. 23, 1919, and to further classify widows under that Act, entitled "An Act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of and the payment thereof and to constitute and appoint a Pension Commission for the State of Alabama and prescribe its powers and duties, so as to provide for the qualifications of soldiers and sailors in the army or navy of the Confederate States of America entitled to pensions and to provide for pensions for said soldiers and sailors."

Pensions and Soldiers' Home.

By Mr. Henson:

H. 276. To further provide for the general revenue of the State.

Ways, Means and Appropriations.

By Mr. Henson:

H. 277. To amend schedule 107 of section 361 of an Act approved September 15th, 1919, entitled "An Act to provide for the general revenue of the State of Alabama."

Ways, Means and Appropriations.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 57. To define Liability for participation in Breaches of Fiduciary Obligations and to make uniform the law with reference thereto.

H. 59. To make uniform the law of sale of goods.

H. 251. To amend Section forty of an Act of the Legislature approved September 25, 1915, entitled an Act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities

of all parties to or connected with the issue, assignment, transfer, or negotiation of such receipts, and to regulate the same.

H. 252. To amend Section 47 of an Act of the Legislature approved September 25, 1915, entitled an Act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment transfer, or negotiation of such receipts, and to regulate the same.

H. 253. To amend Section twenty of an Act of the Legislature approved September 25, 1915, entitled an Act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment transfer, or negotiation of such receipts, and to regulate the same.

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

S. 34. To amend Section 3627 of the Code of Alabama of 1907.

S. 128. To amend Section 6110 of the Code of Alabama.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 258. To abolish the office of deputy solicitor of Coffee County, Alabama, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Coffee County, Alabama.

H. 262. To further regulate the working of the public roads in Coosa County, Alabama.

S. 60. To provide for the extension of time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, in all counties in this State which have a population of at least 92,500 and not more than 150,000, according to the last Federal census, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having this said population, to issue new interest bearing warrants, at the same or less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

S. 91. To amend Section 1 of "An Act to provide for the institution and prosecution of misdemeanors in the Circuit Court of Madison County, otherwise than by indictment by the grand jury," approved February 11, 1919.

S. 108. To amend the caption and Sections 3, 7, 10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court, and the judge thereof."

Mr. Snodgrass, Chairman of the Standing Committee on Military, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 181 (with substitute). To prevent the unlawful wearing of the American Legion Button.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills and resolution, your signature thereto is requested:

S. J. R. 67. Relative to the families of the deceased sailors of the Confederate navy, assisting Admiral A. O. Wright in rescuing valuable papers that will enable the records of said sailors being established.

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which

are set out in the above and foregoing message from the Senate; also the S. J. R. 67.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Grove, the House concurred in and adopted the Senate amendment to the bill H. 74, said Senate amendment being as follows:

Amend Section 1 of H. 74 so as to read as follows:

Section 1. That section 6958 of the Criminal Code of Alabama, 1907, be and the same is hereby amended so as to read as follows:

"Section 6958. Open and closed season as to game birds.—No person or persons shall injure, kill, hurt or destroy by any means whatsoever, or have or be in possession of, except as expressly permitted by the provisions of this Code, the following named game birds, except between the following dates: Wild turkey gobblers, December 1st to February 1st, following; quail (bob white, partridge), from November 20th to February 20th, following."

Yeas, 72; nays, 8.

Yeas:

Messrs:

Mr. Speaker	Embry	McGowen	Smith (Jefferson)
Adams	Fanning	Mooneyham	Smith (Lee)
Adcock	Fite	Moorer	Snodgrass
Arrington	Forman	Moxley	Sollie
Ashcraft (Fayette)	Gaines	Nichols	Stewart (Bibb)
Bealle	Glenn	Norman	Thompson (Etowah)
Blackwell	Goode	Odom	Tiller
Bowen, Lewis	Goodwyn	Parker	Tyson
Bowen, L. K.	Graves	Patterson	Varner
Boykin	Grove	Poole	Verner
Byars	Guy	Powell	Walker
Calloway	Henson	Ringer	Wall
Christian	Hornsby	Russell	Walton
Cook	Howard	St. John	Ware
Cunningham	Howze	Sanders (Conecuh)	Mrs. Wilkins
Deloney	Jones	Sanders (Pike)	Williams
Dickinson	Kilpatrick	Sessions	Wyatt
Dowdle	Long	Smith (Clay)	Young

Nays:
Messrs:
Allen
Burton

Cato
Coleman

Elliott
Glass

Hodgson
Lee

—8

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Foster:

S. J. R. 70. Be it resolved by the Senate, the House concurring, that there be and is hereby added to the recess agricultural committee one member from the Senate and two members from the House, and that there be and is hereby added to the recess educational committee two members from the Senate and three members from the House; and that there be and is hereby added to the Code Committee or Commission one member from the Senate and two from the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 70 was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Foster:

S. J. R. 71. Resolved by the Senate, the House concurring, that the State Prison Inspector report the result of his investigation of the Alms Houses of the several counties of the State to the Recess Budget Committee, and that said Committee consider said report and recommend such legislation with respect to the organization and management of the Alms House as they deem proper.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution, which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:
By Mr. Hutson:

S. 36. To amend section 6148 of the Code of Alabama of 1907.

Also:

By Mr. Martin:

S. 80. To amend section 1911 of the Code of 1907 of Alabama.

Also:

By Mr. Horton:

S. 142. To amend sections 2038 and 2039 of the Code of Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 36.

Municipal Organization, S. 80.

Pensions and Soldiers' Home, S. 142.

PERSONAL PRIVILEGE.

Mr. Ashcraft of Lauderdale arose to a question of personal privilege and stated the following:

Mr. Speaker and Fellow Members of the House:

At an early age I adopted a motto toward which I have directed my whole life. "Work hard, walk humbly, deal justly." Day by day, in every way, I have tried my very best to keep faith with that early resolution. In the positions which I have taken upon public questions before this House, I have tried to apply the rule of common justice and fairness.

I spent the greater part of my young manhood in the journalistic field where I came to know Alabama editors intimately, and from such knowledge to regard them as men of highest integrity and patriotism. The intimate friendships of those days continue to be a comfort and blessing in my life, and as one by one I am called to help close the book of their earthly labors, as was the case a few days ago with my bosom friend, Editor Camper of Florence, I am more and more firmly held in my faith for the life beyond.

Therefore, I regret more deeply than I can here express, that any words of mine, even in the heat of debate, might permit the interpretation placed in yesterday's Advertiser, as reflecting upon the honor or integrity of any editor in Alabama. Nothing could have been further from my thought. I hope and believe that the members of this House caught the spirit and purpose of my remarks, and the vote which followed indicated that I am not mistaken. But I wish to repeat that I hold Alabama editors in highest esteem, and regard them as men of unquestioned integrity and patriotism.

If any remark I have at any time inadvertently made, upon the floor of this House or elsewhere, might be capable of a different interpretation I wish, here and now, to withdraw all such remarks.

And requested that same be spread upon the Journal.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 62. To amend an act approved September 5th, 1919, entitled, "An Act to further extend the power and authority of Boards of Revenue of Counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such Boards to appropriate money or funds out of the County Treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such Boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise."

Also:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the Criminal Code of Alabama, 1907.

Also:

H. 139. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important constitutional questions and

Also:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Also:

H. 20. To repeal section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

Dated February 8th, 1923, at 12:30 P. M.

H. 62. To amend an act approved September 5th, 1919, entitled, "An act to further extend the power and authority of boards of revenue of counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Also:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the Criminal Code of Alabama, 1907.

Also:

H. 139. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important constitutional questions and

Also:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Also:

H. 20. To repeal section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:
By Mr. Waddell:

S. 130. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of Section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the

widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act, approved September 28, 1915". Approved February 17, 1919, in so far as the same applies to cities and towns having a population of less than 100,000 according to the last or any succeeding Federal Census.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Municipal Organizations, S. 130.

MOTION TO RECONSIDER.

Mr. Henley moved to reconsider the vote by which the bill:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Was lost on yesterday. The motion prevailed and the bill:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Was read a third time at length and passed.

Yeas, 58; nays, 34.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Dunwoody	Goodwyn
Adams	Bowen, L. K.	Elliott	Graves
Adcock	Calloway	Embry	Grove
Allen	Cato	Fanning	Hornsby
Ashcraft (Fayette)	Christian	Gaines	Howze
Ashcraft (Lauderdl.)	Culver	Glenn	Hubbard
Bealle	Cunningham	Goode	Jeter

Jones	Nichols	St. John	Tunstall
Kilpatrick	Norman	Smith (Clay)	Varner
Lee	Odom	Smith (Jefferson)	Verner
LeMaistre	Patterson	Smith (Lee)	Walker
Luck	Powell	Snodgrass	Wall
McGowen	Rountree	Sollie	Mrs. Wilkins
Melton	Russell	Stewart (Calhoun)	Williams
Mooneyham	Rutherford		

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*Nays:**Messrs:*

Blackwell	Glass	Howard	Ringer
Boykin	Glover	Letson	Sanders (Conecuh)
Burns	Guy	Long	Sanders (Pike)
Burton	Hall	Love	Sessions
Byars	Hampton	Moorer	Stewart (Bibb)
Coleman	Hawkins	Moxley	Thompson (Etowah)
Cook	Henley	Parker	Tyson
Dowdle	Henson	Poole	Wyatt
Forman	Hodgson		

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PAIR ANNOUNCED.

Mr. Tiller stated that he was paired with Mr. Arrington. If Mr. Arrington were present he would vote yea and Mr. Tiller would vote nay.

BILL ON THIRD READING.

S. 112 (with amendment). To amend sections 15, 16, and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said amendment being as follows:

Amend S. 112 as follows:

Amend Section 16 by adding at the end thereof the following:

When any order of the Commission has become a final order, an appeal may be taken therefrom by the Utility or by any person as defined herein who is a party to the cause before the Commission to the Circuit Court of Montgomery County, Ala-

bama in equity within thirty days from the date of such final order, and upon the hearing of such appeal that court shall have the right to affirm the order of the Commission, or reverse the same and render its judgment fixing such valuation at the amount which the said court may determine just and right, or to reverse the order appealed from and remand the case to the Commission for further consideration.

And from any such judgment of the Circuit Court an appeal shall lie to the Supreme Court of Alabama, which court shall have the right to affirm the judgment of the Circuit Court, or to reverse the same and render such judgment fixing such valuation at the amount which the Supreme Court may determine just and right, or to reverse the judgment appealed from and remand the case to the Commission for further consideration. If either the Circuit Court or the Supreme Court fix a valuation of the property of such utility, such valuation so fixed shall for all future rate making purposes be the permanent basic valuation of the property of such utility. If the cause should be reversed and remanded to said Commission by either the Circuit Court or the Supreme Court the Commission shall proceed to a consideration thereof in accordance with the mandate of said court.

Further amend S. 112 as follows:

Amend Section 47 by striking therefrom in the sixth line thereof the following words: "whether there is any proceeding by or against the utility then pending before the Commission or not," and insert in lieu thereof the following: "insofar as the same may be pertinent to any matter under investigation before the Commission."

Mr. Long moved that the further consideration of the bill and pending amendments be deferred until the next Legislative Day, and five hundred copies be printed for the use of the House.

And the motion of Mr. Long was on motion of Mr. Luck laid upon the table.

Mr. Fite offered the following amendment to the amendment reported by the Standing Committee on Judiciary:

AMENDMENT TO AMENDMENT.

Amend the amendment by striking out the words "Circuit Court of Montgomery County, Alabama" and insert in lieu thereof the words "Circuit Court of the County in which is located the principal office of such utility, or in which the question involved arose."

And on motion of Mr. Glenn, the amendment offered by Mr. Fite was laid upon the table.

The amendment reported by the Standing Committee on Judiciary was on motion of Mr. Glenn laid upon the table.

Yeas, 85; nays, 9.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Letson	Sanders (Pike)
Adams	Elliott	Love	Sessions
Adcock	Embry	Luck	Smith (Clay)
Allen	Fanning	McGowen	Smith (Jefferson)
Ashcraft (Fayette)	Forman	Melton	Smith (Lee)
Ashcraft (Lauderdl.)	Gaines	Mooneyham	Snodgrass
Bealle	Glenn	Moorer	Sollie
Blackwell	Glover	Moxley	Stewart (Bibb)
Bowen, Lewis	Graves	Nichols	Stewart (Calhoun)
Bowen, L. K.	Hall	Norman	Thompson (Etowah)
Boykin	Hampton	Odom	Tiller
Burns	Hawkins	Parker	Tunstall
Burton	Henley	Patterson	Tyson
Byars	Henson	Poole	Varner
Calloway	Hodgson	Powell	Wall
Cato	Howard	Ringer	Walton
Coleman	Howze	Rountree	Ware
Cook	Hubbard	Russell	Mrs. Wilkins
Culver	Jeter	Rutherford	Williams
Deloney	Lee	St. John	Wyatt
Dickinson	LeMaistre	Sanders (Conecuh)	Young
Dowdle			

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Nays:

Messrs:

Cunningham	Goodwyn	Guy	Verner
Fite	Grove	Hatter	Walker
Goode			

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And the bill:

S. 112. To amend sections 15, 16, and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Was read a third time at length and passed.

Yeas, 94; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Lee	Sanders (Pike)
Adams	Elliott	LeMaistre	Sessions
Adcock	Embry	Letson	Smith (Clay)
Allen	Fanning	Love	Smith (Jefferson)
Ashcraft (Fayette)	Fite	Luck	Smith (Lee)
Ashcraft (Lauderdl.)	Forman	McGowen	Snodgrass
Bealle	Gaines	Melton	Sollie
Blackwell	Glenn	Mooneyham	Stewart (Bibb)
Bowen, Lewis	Glover	Moorer	Stewart (Calhoun)
Bowen, L. K.	Goode	Moxley	Thompson (Etowah)
Boykin	Goodwyn	Nichols	Tiller
Burns	Graves	Norman	Tunstall
Burton	Grove	Odom	Tyson
Byars	Hall	Parker	Varner
Calloway	Hampton	Patterson	Verner
Cato	Hawkins	Poole	Walker
Christian	Henley	Powell	Wall
Coleman	Henson	Ringer	Walton
Cook	Hodgson	Rountree	Ware
Culver	Hornsby	Russell	Mrs. Wilkins
Cunningham	Howard	Rutherford	Williams
Deloney	Howze	St. John	Wyatt
Dickinson	Hubbard	Sanders (Concuh)	Young
Dowdle	Jeter		

—94

Nays Messrs. Guy and Long—2.

Mr. Williams moved to reconsider the vote by which the bill S. 112 was passed and then moved to table the motion to reconsider and the motion to table prevailed.

RESOLUTIONS.

The following resolution was introduced:

By Mr. Sollie:

H. J. R. 47. Resolved by the House, the Senate concurring, That Senate Bill No. 84 passed by the House on the 6th day of February, 1923, which was the 13th Legislative Day, be and the same is hereby recalled from the Governor to be and remain in the possession and control of the House until the motion to reconsider the vote whereby it was passed by the House shall be disposed of by the House; or if not in possession of the Governor, that it be and is hereby recalled from the office of the Clerk of the House or the office of the Secretary of the Senate as it may be found to be in fact in one or the other of said offices; and that in any event this House take necessary and proper steps to retain its control of said bill till said motion shall be disposed of finally.

And the resolution was referred to the Committee on Rules.

Rules Committee:

H. R. 48. Resolved that the bills hereinafter set out shall be made special orders in the order named immediately after the report of Standing Committees on the Fourteenth Legislative Day:

S. 112, S. 40, S. 102, S. 103 and S. 83.

And the resolution was adopted.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

S. J. R. 70. Be it resolved by the Senate, the House concurring, that there be and is hereby added to the recess Agricultural Committee one member from the Senate and two members from the House; and that there be and is hereby added to the recess Educational Committee two members from the Senate and three members from the House and that there be and is hereby added to the Code Committee or Commission one member from the Senate and two members from the House.

And the S. J. R. No. 70 was adopted.

Also:

S. J. R. 71. Resolved by the Senate, the House concurring, that the State Prison Inspector report the result of his investigation of the Alms Houses of the several counties of the State to the recess Budget Committee and that said committee consider said report and recommend such legislation with respect to the organization and management of the Alms Houses as they deem proper.

And the S. J. R. No. 71 was adopted.

Also:

S. J. R. 53. Be it resolved by the Legislature of Alabama, That the members of the Senate and House of Representatives of the State of Alabama, recognizes in the efforts of Mr. E. F. Allison of Bellamy, Sumter County, Alabama, in the preservation of the wild game of the State a service which placed the State and its people under obligation to his efforts and do hereby convey to Mr. Allison their appreciation of said service; and that this resolution be made a part of the records of the Senate and the House, and a copy of said resolution be furnished him.

And the resolution was adopted.

Also:

H. J. R. 21. Joint resolution of assent to act of congress for the promotion of the welfare and hygiene of maternity and infancy.

Whereas, the congress of the United States has passed an act approved by the President, November 23, 1921, entitled, "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," and

Whereas, it is provided in sections 2 and 4 of the act aforesaid, that the grants of money authorized by this act "shall be paid annually to each state," and "that in order to secure the benefits of the appropriations * * * any state, shall through the legislative authority thereof, accept the provisions of the act and designate or authorize the creation of a State agency with which the children's bureau shall have all necessary powers to co-operate as herein provided in the administration of the provisions of this act; provided that in any state having a child welfare or child hygiene division in its state agency of health the said State Board of Health shall administer the provisions of this act through such divisions;" therefore be it

Resolved, by the House of Representatives of Alabama and the Senate concurring that the assent of the Legislature of the State of Alabama be and is hereby given to the provisions and requirements of said act, and the treasurer of the State of Alabama be and he is hereby authorized and empowered to receive the grants of money appropriated under said act; and the State Board of Health be and is hereby authorized to organize and conduct the work in accordance with the terms and conditions expressed in the act of congress aforesaid.

Mr. Long moved that the further consideration of the above resolution be postponed until after the recess.

Mr. St. John moved to table the motion of Mr. Long and the motion of Mr. St. John to table prevailed.

And the resolution, H. J. R. 21, was adopted.

Yeas, 74; nays, 23.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Patterson
Adcock	Dowdle	Howze	Poole
Allen	Dunwoody	Hubbard	Powell
Arrington	Elliott	Jeter	Russell
Ashcraft (Fayette)	Embry	Jones	St. John
Ashcraft (Lauderdl.)	Fanning	Kilpatrick	Sessions
Bealle	Fite	Lee	Smith (Clay)
Bowen, Lewis	Forman	Letson	Smith (Jefferson)
Bowen, L. K.	Glenn	Luck	Smith (Lee)
Boykin	Goode	McGowen	Snodgrass
Burns	Goodwyn	Melton	Sollie
Calloway	Graves	Mooneyham	Stewart (Bibb)
Cook	Guy	Moorer	Stewart (Calhoun)
Culver	Hawkins	Nichols	Thompson (Etowah)
Cunningham	Henley	Odom	Tiller
Deloney	Hodgson	Parker	Tunstall

Tyson
Varner
Verner

Walker
Wall
Walton

Ware
Mrs. Wilkins

Williams
Young

—74

Nays:

Messrs:

Blackwell
Burton
Byars
Cato
Christian
Coleman

Glass
Glover
Grove
Hall
Hampton
Henson

Hornsby
LeMaistre
Long
Love
Moxley
Norman

Ringer
Rutherford
Sanders (Conecuh)
Sanders (Pike)
Wyatt

—23

RECESS.

On motion of Mr. Burton, the House recessed until 4 o'clock P. M.

AFTERNOON SESSION.

The hour of 4 o'clock having arrived, the House reconvened.

BILL TAKEN FROM ADVERSE CALENDAR.

Mr. Moxley called up his motion to take H. 219 from the Adverse Calendar. The motion prevailed and the bill H. 219,

To provide that any bona fide citizen of this State who has been a resident thereof for a period of three years at the time of filing his application and who actually served as a soldier or sailor in the army or navy of the Confederate States of America, or of the State of Alabama, for or during the period of war between the States, and who did not desert the service of the State of Alabama or the Confederate States, shall be entitled to be placed on the pension roll in Class numbered three and receive sixteen dollars quarterly; and to repeal all conflicting laws.

Was read a second time and placed upon the regular Calendar of the House.

RESOLUTION.

The following resolution was introduced:

By Mr. Long:

H. J. R. 49. Resolved by the House, the Senate concurring, that when the two Houses adjourn on Friday the 9th, they stand adjourned to Tuesday, July the 10th, 1923, at 12 o'clock noon.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 125. To amend an Act entitled "An act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court: the terms and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

H. 221. To authorize the increase in the Capital Stock or shares of Building and loan associations organized under the laws of this State.

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

By Mr. Bowen:

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds; and for appropriations to make up deficits therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this act; to provide who shall hear and decide applications for

pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the city is located which creates the fund from which such members, respectively, receive benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 165. To regulate further the highway department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

Also:

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County jails during the fiscal year ending September 30, 1922, and which are unpaid.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following Joint Resolution, and sends same herewith to the House :

S. J. R. 72. Be it resolved by the Senate, the House concurring, That 2,000 copies of the General Acts passed at this session of the Legislature, be printed, in pamphlet form, as soon as possible, and that 10 copies be sent forthwith to the probate judge of each county in the State, and two to each member of the Senate and House of Representatives, one to each of the solicitors and judges of this State and one to each department of the State government, and the remainder to be distributed to the general public upon request.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution which is set out in the above and foregoing message from the Senate was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bill and returns same herewith to the House :

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following resolution :

By Mr. Howle :

S. J. R. 69. Whereas, the State of Alabama has organized under the direction of the Convict Department, at Camp Kilby, located near the city of Montgomery, a model dairy and livestock farm; and

Whereas, the promoters of this farm, had in view, propagation and breeding of fine dairy cattle; and

Whereas, from that time, the number of necessary breeding bulls at this farm will increase beyond the requirements of this farm.

Now, Therefore, Be it Resolved by the Senate, the House of Representatives, concurring :

Section 1. The President or Chairman of the Board of Convict Supervisors, is hereby requested to loan for use in the several counties in this State, these several bulls which are from time to time on hand above the necessities of the State farm.

Section 2. That requisition for the loan of this bull shall be made on the chairman of the Board of Convict Supervisors, and shall be approved by the County Farm Demonstration Agent, in case there is a Farm Demonstration Agent, and in those counties where there is no agent, this requisition or application, shall be approved by the Chairman of the Board of Revenue, and the applicant shall give bond in the sum of \$500.00, for the care and upkeep of such animal while in the possession of the applicant.

Section 3. That the applicant having in custody such animal shall give free service to all parties in that county which shall make demand on him, provided that the granting of this request shall be at no expense on his part.

Section 4. That not more than three bulls from the State farm shall be loaned to any of several counties of this State at one time, and that the ownership of this animal shall at all times remain in the State of Alabama and that he shall be subject to the recall or other disposal of the Chairman of the Board of Convict Supervisors when he is no longer serviceable.

Section 5. That any sums of money accruing from the sale or other disposal of any animals no longer fit for service shall be returned to the authorities of the State Farm, who shall give a true accounting of this sum as are all other sums accounted for.

Section 6. That the expense of the transportation from the State Farm at Camp Kilby to the several counties shall be borne by the applicant making requisition, but when the animal is no longer fit for service, the applicant is not required to deliver him back to the farm.

Section 7. That the intents and purposes of this resolution shall be carried out by the authorities at the State Farm, through the direction of the Chairman of the Board of Convict Supervisors, as soon as the number of animals on the farm increases to where in his judgment, this will warrant.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 69 was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 71. Relative to the State Prison Inspector reporting to the recess Budget Committee the condition of the several Alms Houses of the several counties of the State, and recommending such legislation as they may deem proper.

S. J. R. 70. Relative to the additional members to the recess Agricultural, Education and Code Committees.

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate, and also Senate Joint Resolutions 70 and 71.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 221. To authorize the increase of the Capital Stock or shares of Building and loan associations organized under the laws of this State.

Also:

H. 74. To amend section 6958 of the Criminal Code of Alabama, 1907.

Also:

H. 165. To regulate further the highway department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the report of the Conference Committee on the disagreement of the two Houses, on the Senate amendment to the bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State. Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

Said report of the Committee of Conference being as follows:

To the Presiding Officer of the Senate:

Your Conference Committee having under consideration House bill 163.

A BILL.

To be entitled an act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State, providing for the collec-

tion and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

Beg leave to report as follows:

First. We recommend that the Senate recede from its amendment to said bill.

Second. We further recommend that the Senate amend said bill so as to read as follows:

A BILL.

To be entitled an act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

Be it enacted by the Legislature of Alabama, That:

Section 1. As used in this act the term "gasoline" shall include gasoline, naphtha and other liquid motor fuels commonly used in internal combustion engines, provided that nothing contained in this act shall apply to those products commercially known as "kerosene oil," "distillates," "gas oil," "fuel oil" or "crude oil."

The word "person" means and includes every person, corporation, co-partnership, company, agency or association.

The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in this State by wholesale in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce.

The term "retail dealer" shall include any person herein defined as "distributor" who is also engaged in the sale of gasoline as herein defined, at any place in this State, in broken quantities.

Section 2. Every "distributor" and "retail dealer" in gasoline shall pay an excise tax of two cents (2c) per gallon upon the sale of gasoline in this State, provided, that in no event shall any gasoline sold in interstate commerce be taxed, and provided further the excise tax of two cents (2c) per gallon upon the sale of gasoline shall be paid only once.

Section 3. On or before the 20th day of each month after this act shall take effect, every distributor of gasoline and every retail dealer of gasoline shall render to the State Tax Commission on forms prescribed by said Commission a true and correct statement of all gasoline sold by such distributor or retail dealer during the next preceding month liable for the payment of the excise tax herein prescribed, and shall furnish to said Commis-

sion such additional information as said Commission may require on blanks to be furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

The statement herein required to be made by the distributor or retail dealer shall be sworn to before some officer authorized to administer oaths and the making of any false or fraudulent statement shall constitute perjury, upon the conviction of which the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors and retail dealers shall keep in Alabama at some certain place or office such books, documents or papers as will show clearly the amount of sales of gasoline made in this State covered by this act.

Section 5. Within thirty days after the passage of this act every distributor and retail dealer engaged in the sale of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or retail dealer of gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose. After this act becomes effective, no person shall engage in selling as a distributor or retail dealer any gasoline covered by the provisions of this act in this State until he shall have made such report to the State Tax Commission.

Section 6. If any distributor or retail dealer in gasoline in this State covered by the provisions of this act shall fail to make any report to the State Tax Commission as required herein, he shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense.

Section 7. It shall be the duty of the State Tax Commission to enforce the provisions of this act and the said commission shall have the right itself or by any of its members or agents to examine the books of every such distributor or retail dealer of gasoline covered by this act.

Section 8. The proceeds of the excise tax prescribed in this act shall be divided between the State and the several counties thereof as follows: One-half of such proceeds shall be paid into the State treasury to the credit of the general fund to be used for general State purposes; the other half shall be divided and distributed equally among the sixty-seven counties of the State. The one-half of such proceeds due the several counties when collected by the State Tax Commission shall be paid to the State treasurer, and the State Tax Commission shall also at the same time certify to the State auditor the amount which is due

to each county. The State auditor shall at the end of each month after the said funds are so certified to him draw his warrant upon the State treasurer payable to the county treasurer or the county depositaries of each of the several counties for the several amounts so due each county; and each of the county treasurers or county depositaries of the several counties so receiving such warrants shall place such warrants or the proceeds thereof to the credit of the road and bridge fund of the particular county. And such fund so placed to the credit of the road and bridge fund in each county shall be used for the construction and maintenance of the public highways and bridges in such counties and for no other purpose.

Section 9. The acceptance of any amount paid for the excise tax provided for in this act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. The forms of all statements and reports required herein shall be prescribed and furnished by the State Tax Commission. All costs of the enforcement of this act shall be paid out of the State's share of the funds derived from the excise tax herein prescribed, upon the warrant of the State auditor drawn upon the voucher of the chairman of the State Tax Commission and approved by the governor.

Section 11. If any distributor or retail dealer of gasoline covered by this act fail to make the prescribed monthly return, the State Tax Commission shall make a return for such delinquent upon such information as may be reasonably obtained, assess the tax thereon, and add a penalty of 25% of the tax to the amount as assessed. The State Tax Commission shall as soon as practicable and before the thirtieth day of each month certify to the State Treasurer the names of all persons liable to pay the tax herein provided, together with the post office address and the amount of the tax and if any such taxes shall not have been paid, the chairman of the State Tax Commission shall issue executions for the collection of such taxes directed to any sheriff of the State, who shall proceed to collect the same in the manner now prescribed by law for the collection of delinquent taxes by county tax collectors and make return of such executions to the State Tax Commission.

The taxes and all penalties herein provided for shall be held as a debt payable to the State by the person against whom the same shall be charged, and all such taxes, penalties and assessments shall be a lien upon all property in this State of the party charged therewith.

Section 12. Any distributor or retail dealer who shall violate any of the provisions of this act may be restrained by prop-

er proceedings instituted in the name of the State of Alabama by the attorney general or any circuit solicitor from either distributing or selling gasoline, the sale of which is taxable in this State, until such person shall have complied with the provisions of this act.

Section 13. All other State excise and inspection taxes on the sale of gasoline imposed before the passage of this act shall be and the same are hereby repealed, and all State laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 14. Should any section or any part of this act be declared unconstitutional it shall not invalidate the remainder thereof.

Section 15. This act shall take effect on the first day of the month next succeeding its passage.

Third. We further recommend that the Senate pass said bill as so amended.

Fourth. We further recommend that the House concur in said last named Senate amendment.

Respectfully submitted,
 James B. Ellis,
 J. M. Foster,
 W. C. Tunstall,
 Committee on part of the Senate.
 J. Lee Long,
 A. M. Tunstall,
 C. W. Ashcraft,
 Committee on part of the House.

Yeas, 59; nays, 40.

Yeas:

Messrs:

Mr. Speaker	Fite	Letson	Snodgrass
Adams	Glass	Long	Stewart (Bibb)
Allen	Glenn	Luck	Stewart (Calhoun)
Ashcraft (Fayette)	Goode	McGowen	Thompson (Etowah)
Ashcraft (Lauderdl.)	Graves	Moorer	Tunstall
Bealle	Hatter	Moxley	Tyson
Bowen, L. K.	Hawkins	Norman	Varner
Christian	Henley	Odom	Verner
Coleman	Howard	Parker	Walker
Cook	Howze	Patterson	Wall
Culver	Hubbard	Poole	Walton
Deloney	Jones	Powell	Mrs. Wilkins
Dickinson	Kilpatrick	Rountree	Williams
Embry	Lee	Sanders (Conecuh)	Young
Fanning	LeMaistre	Smith (Lee)	

Nays:

Messrs:

Adcock	Dunwoody	Henson	Rutherford
Blackwell	Elliott	Hodgson	St. John
Bowen, Lewis	Forman	Hornsby	Sanders (Pike)
Boykin	Gaines	Jeter	Sessions
Burns	Glover	Love	Smith (Clay)
Byars	Goodwyn	Melton	Smith (Jefferson)
Calloway	Grove	Mooneyham	Sollie
Cato	Guy	Nichols	Tiller
Cunningham	Hall	Ringer	Ware
Dowdle	Hampton	Russell	Wyatt

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ANNOUNCEMENT OF PAIR.

Mr. Burton announced that he was paired with Mr. Pickens. If Mr. Pickens were present he would vote yea and Mr. Burton would vote nay.

Mr. Tunstall moved to reconsider the vote by which the House concurred in and adopted the report of the Conference Committee on the disagreement of the two Houses on the Senate amendment to the bill H. 163, and then moved to table his motion to reconsider and the motion to table prevailed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed:

H. 178. To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and especial in conflict with said section as hereby amended."

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Goode, the House concurred in and adopted the Senate amendment to the bill H. 178, said Senate amendment being as follows:

Amend section 1 of said bill by striking therefrom the words "one hundred thousand" and substituting in lieu of such stricken words the words "fifty thousand."

Further amend said section 1 by inserting after the words "shall have adopted an appropriate resolution," and before the words "authorizing the conduct and operation of a trust department" the following words, to-wit:

"And obtained the written approval of the State Superintendent of Banks."

Further amend said section by inserting after the words "and a copy of such resolution" and before the words "certified to by the president and cashier" the following words, to-wit: "And written approval."

Yeas, 67; nays, 0.

Yeas:

Mr. Speaker	Cunningham	Hatter	Parker
Adams	Deloney	Hawkins	Posey
Adcock	Dickinson	Henley	Powell
Allen	Dowdle	Henson	Ringer
Ashcraft (Fayette)	Dunwoody	Hodgson	Rountree
Ashcraft (Lauderdl.)	Elliott	Howard	Smith (Lee)
Bealle	Embry	Howze	Sollie
Blackwell	Fanning	Jeter	Stewart (Calhoun)
Bowen, Lewis	Fite	Jones	Tiller
Bowen, L. K.	Gaines	Kilpatrick	Tunstall
Boykin	Glenn	Letson	Tyson
Burton	Goode	Luck	Verner
Byars	Goodwyn	McGowen	Walker
Calloway	Graves	Melton	Wall
Cato	Grove	Mooneyham	Ware
Cook	Guy	Moxley	Wyatt
Culver	Hall	Norman	

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 21. Relative to the assent of the Legislature of Alabama to the provisions and requirements of an Act of Congress approved November 23, 1921, entitled: "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes."

And returns same herewith to the House.

J. E. Speight,
Secretary.

BILL ON THIRD READING.

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last federal census or any subsequent census, and to provide for the method of paying such compensation.

Was taken up. Mr. Howze moved to postpone the bill until the summer session, and the motion was lost.

Mr. L. K. Bowen offered the following amendment to the bill:

Amend the bill by changing the figures where they appear in this bill from \$6000.00 to \$5000.00 and from \$5000.00 to \$4800.00.

And the amendment was adopted.

Yeas, 64; nays, 4.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hawkins	Nichols
Adcock	Dowdle	Henley	Odom
Allen	Dunwoody	Henson	Powell
Ashcraft (Fayette)	Elliott	Hodgson	Rountree
Bealle	Embry	Hornsby	Russell
Blackwell	Fanning	Howard	Sanders (Pike)
Bowen, Lewis	Fite	Jeter	Smith (Jefferson)
Bowen, L. K.	Forman	Kilpatrick	Snodgrass
Boykin	Glass	Lee	Sollie
Burns	Glenn	LeMaistre	Stewart (Calhoun)
Burton	Glover	Letson	Thompson (Etowah)
Calloway	Graves	Love	Tiller
Cato	Grove	Luck	Walker
Cook	Guy	McGowen	Wall
Culver	Hall	Melton	Ware
Cunningham	Hatter	Moorer	Williams

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Nays:

Messrs:

Deloney	Howze	Rutherford	Stewart (Bibb)
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—4

And the bill:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last federal census or any subsequent census, and to provide for the method of paying such compensation.

As amended was read a third time at length and passed.

Yeas, 63; nays, 2.

Yeas:

Mr. Speaker	Dunwoody	Jones	Russell
Adams	Embry	Lee	Sanders (Pike)
Adcock	Fanning	LeMaistre	Sessions
Ashcraft (Fayette)	Fite	Letson	Smith (Jefferson)
Bealle	Forman	Love	Smith (Lee)
Blackwell	Glenn	Luck	Snodgrass
Bowen, Lewis	Goode	McGowen	Sollie
Bowen, L. K.	Graves	Moorer	Stewart (Calhoun)
Boykin	Grove	Moxley	Tiller
Burns	Hatter	Norman	Varner
Calloway	Henley	Odom	Verner
Cook	Henson	Parker	Walker
Culver	Hodgson	Patterson	Ware
Cunningham	Hornsby	Powell	Wyatt
Deloney	Howard	Ringer	Young
Dowdle	Jeter	Rountree	

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Nays: Messrs. Burton and Howze—2.

And the bill was ordered sent to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Henley the House adjourned until tomorrow morning at 10 o'clock.

FIFTEENTH DAY.

House of Representatives,
Friday, February 9th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Senator Adams from the County of Chilton.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker	Elliott	Jones	St. John
Adams	Embry	Kilpatrick	Sanders (Conecuh)
Adcock	Fanning	Lee	Sanders (Pike)
Allen	Fite	LeMaistre	Sessions
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Fayette)	Gaines	Long	Smith (Jefferson)
Ashcraft (Lauderd'l)	Glass	Love	Smith (Lee)
Bealle	Glenn	Luck	Snodgrass
Blackwell	Glover	McGowen	Sollie
Bowen, Lewis	Goode	Melton	Stewart (Bibb)
Bowen, L. K.	Goodwyn	Mooneyham	Stewart (Calhoun)
Boykin	Graves	Moorer	Thompson (Etowah)
Burns	Grove	Moxley	Tiller
Burton	Guy	Nichols	Tunstall
Byars	Hall	Norman	Tyson
Calloway	Hampton	Odom	Varner
Cato	Hatter	Parker	Verner
Christian	Hawkins	Patterson	Walker
Coleman	Henley	Poole	Wall
Cook	Henson	Posey	Walton
Culver	Hodgson	Powell	Ware
Cunningham	Hornsby	Ringer	Mrs. Wilkins
Deloney	Howard	Rountree	Williams
Dickinson	Howze	Russell	Wyatt
Dowdle	Hubbard	Rutherford	Young
Dunwoody	Jeter		

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF COMMITTEE ON REVISION OF JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Fourteenth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Fourteenth Day was approved.

RESOLUTIONS.

The following resolutions were introduced:

By Rules Committee:

H. R. 50. Resolved that one clerk to receive one-half the pay of a clerk for this session (commencing January 9th, 1923), and the ensuing session, be added to the Committee on Rules, said clerk to be known as the Information Clerk, said clerk shall be on duty during all sessions of the House and shall be appointed by the Speaker.

And the resolution was adopted.

By Mr. Long:

H. J. R. 51. Resolved by the House, the Senate concurring, That when the two Houses adjourn for the recess, they adjourn to meet Tuesday, July 10th, 1923, at 12 o'clock noon.

The rules were suspended and the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Fite:

H. 278. To provide for safety to life and property in this State by prescribing standards and specifications governing the details of construction of steam boilers and their equipment; to prescribe rules and regulations for boilers installed for use in this State after this Act becomes effective; to provide for the interchange between this State and other States of boilers complying with the provisions of this Act; to prescribe rules and regulations for carrying out the provisions of this Act; to provide penalties for the violation of this Act.

Judiciary.

By Mr. L. K. Bowen:

H. 279. For the protection of the political and civil rights of employees, to make it unlawful for employers to prohibit the

political activities of employees and to prescribe punishment for the violation of said act.

Judiciary.

By Mr. Norman (By request) :

H. 280. To abolish the Court of Appeals for the State of Alabama.

Judiciary.

By Mr. Calloway :

H. 281. To repeal Section 73 of the General Revenue Act of 1919, Acts 1919, Page 423.

Ways, Means and Appropriations.

By Mr. Calloway :

H. 282. To repeal Sec. 4½ of the General Revenue Act of 1919, Acts 1919, Page 284.

Judiciary.

BILL REPORTED ADVERSELY.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with an adverse report:

H. 261. To abolish the county court of Coosa County and the offices of judge and deputy solicitor pertaining thereto.

The above bill was placed on the Adverse Calendar.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Glover called up his motion to take the bill, S. 6 from the Adverse Calendar.

Mr. Goodwyn moved to postponed the further consideration of Mr. Glover's motion until the 16th Legislative Day and the motion of Mr. Goodwyn was lost.

On motion of Mr. Fite the motion to take the bill, S. 6 from the Adverse Calendar was indefinitely postponed.

Mr. Fite moved to reconsider the vote by which the motion to take the bill, S. 6, from the Adverse Calendar was indefinitely postponed and then moved to table the motion to reconsider and the motion to table prevailed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

Dated February 9th, 1923, at 10:10 A. M.

H. 221. To authorize the increase of the Capital Stock or shares of Building and loan associations organized under the laws of this State.

Also:

H. 74. To amend section 6958 of the Criminal Code of Alabama, 1907.

Also:

H. 165. To regulate further the highway department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

J. H. Stewart,
Clerk.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills and House Joint Resolution:

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

Also:

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Also:

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County jails during the fiscal year ending September 30, 1922, and which are unpaid.

Also:

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Also:

H. 178. "To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended."

Also:

H. J. R. 21. Relative to the assent of the Legislature of Alabama being given to the Act of Congress of the United States, approved November 23, 1921, entitled "An Act, for the promotion for the welfare and hygiene of maternity and infancy, and for other purposes."

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills and House Joint Resolution hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

February 9th, 1923, at 11:55 A. M.

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

Also:

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Also:

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Also:

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Also:

H. 178. "To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended."

Also:

H. J. R. 21. Relative to the assent of the Legislature of Alabama being given to the Act of Congress of the United States, approved November 23, 1921, entitled "An Act, for the promotion for the welfare and hygiene of maternity and infancy, and for other purposes."

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill and Senate Joint Resolution, your signature thereto is requested:

S. 112. To amend sections 15, 16, and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

S. J. R. 53. Relative to the recognition by the Senate and House of Representatives of the efforts of Mr. E. F. Allison of Bellamy, Sumter County, Alabama, in the preservation of the wild game of the State placing it under obligation to him, expressing their appreciation of his service, making this a part of the records of the Senate and House and furnishing him a copy of this resolution.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the clerk, the

reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate. Also S. J. R. No. 53.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House:

H. 177. To amend an act entitled "An act to create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to proscribe rules and regulations governing the said board," approved February 13, 1919.

Also:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the Senate amendment to the bill H. 177, said Senate amendment being as follows:

Amend H. 177 by striking out the words "Five Thousand" where they appear at the end of the 15th line of section 3, and inserting in lieu thereof the words "Six Thousand," and by striking out the words "Four Thousand" where they occur in the 20th line of section 3, and inserting in lieu thereof the words "Five Thousand."

Yeas, 66; nays, 31.

Yeas:

Messrs:

Mr. Speaker	Christian	Guy	Melton
Adams	Culver	Hatter	Moorer
Adcock	Cunningham	Henley	Nichols
Allen	Dunwoody	Hodgson	Odom
Arrington	Embry	Howard	Patterson
Ashcraft (Fayette)	Fanning	Howze	Poole
Ashcraft (Lauderd ¹)	Fite	Hubbard	Powell
Bealle	Glenn	Jeter	Ringer
Bowen, Lewis	Glover	Jones	Rountree
Bowen, L. K.	Goode	LeMaistre	Russell
Boykin	Goodwyn	Letson	St. John
Byars	Graves	Luck	Sessions
Calloway	Grove	McGowen	Smith (Jefferson)

Smith (Lee)	Thompson (Etowah)	Walker	Mrs. Wilkins
Sollie	Tunstall	Wall	Williams
Stewart (Bibb)	Vарner	Walton	Young
Stewart (Calhoun)	Verner		

—66

*Nays:**Messrs:*

Blackwell	Elliott	Kilpatrick	Rutherford
Burns	Forman	Lee	Sanders (Conecuh)
Burton	Glass	Long	Sanders (Pike)
Cato	Hall	Love	Snodgrass
Coleman	Hampton	Mooneyham	Tiller
Cook	Hawkins	Moxley	Ware
Deloney	Henson	Norman	Wyatt
Dowdle	Hornsby	Parker	

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Resolution, and sends same herewith to the House:

By Mr. Foster:

S. R. 73. Resolved that the Senate does hereby request the House to return to it H. 233, in order that the Senate may consider the re-consideration of the votes by which the bill and Senate amendment were passed in the Senate.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted S. J. R. 73, and in accordance with said resolution, the House acceded to the request of the Senate, and returned to the Senate, for further consideration by the Senate, H. 233 together with the Senate amendment to said bill.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended has passed the following House bill, and returns same herewith to the House:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tiller, the House concurred in and adopted the Senate amendment to the bill H. 157, said Senate amendment being as follows:

To amend said bill by inserting after the words "Shall reside out of the State," the words "Or whose residence is unknown."

Yeas, 80; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hubbard	St. John
Adams	Elliott	Jeter	Sessions
Adcock	Embry	Jones	Smith (Jefferson)
Allen	Fanning	Kilpatrick	Smith (Lee)
Arrington	Fite	Lee	Snodgrass
Ashcraft (Fayette)	Forman	LeMaistre	Sollie
Ashcraft (Lauderdl.)	Gaines	Love	Stewart (Calhoun)
Bealle	Glass	Luck	Thompson (Etowah)
Bowen, Lewis	Glover	Melton	Tiller
Bowen, L. K.	Goode	Moorer	Tunstall
Boykin	Goodwyn	Moxley	Varnier
Burns	Graves	Nichols	Verner
Byars	Grove	Norman	Walker
Calloway	Hall	Odom	Wall
Cato	Hampton	Parker	Walton
Cook	Hatter	Patterson	Ware
Culver	Henley	Poole	Mrs. Wilkins
Cunningham	Henson	Powell	Williams
Dickinson	Hodgson	Ringer	Wyatt
Dowdle	Howze	Russell	Young

—80

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payments of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

S. 159. To amend sections 4754, 4758, 4761, 4762, 4770, 4774 and 4777 of the Code of Alabama, 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 159.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills and returns same herewith to the Houes:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and ordered same sent forthwith to the House without engrossment:

S. 134. To establish and regulate liens in favor of garage keepers, automobile repairmen, or bailees of motor vehicles, for storing, or repairing motor vehicles, or furnishing accessories, or parts for motor vehicles, and to regulate the procedure for the enforcement thereof.

S. 111. To prohibit the having in possession, or use, or operation of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced, and to prescribe penalties therefor.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 134, S. 111.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Hutson:

S. J. R. 76. Be it resolved by the Senate, the House of Representatives concurring, that during the recess the Governor of Alabama is hereby authorized to have printed any bill which the Governor may prepare or have prepared under his direction, or which any recess committee may prepare or have prepared; and that these bills so printed shall be distributed among the members of the Legislature not less than ten days before the re-convening of the Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 76 was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills and returns same herewith to the House:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Also:

H. 108. To repeal an act entitled "An act to regulate the fees of the judge of the county court of Franklin county, Alabama," approved February 21, 1893.

Also:

H. 200. To fix the salary of the deputy solicitor for Butler county, Alabama.

J. E. Speight,
Secretary.

BILL ON THIRD READING.

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Was taken up. Mr. Adams moved to postpone the further consideration of the bill to the 20th day and on motion of Mr. Ware, the motion of Mr. Adams was laid upon the table.

And the bill:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Was read a third time at length and passed.

Yeas, 71; nays, 11.

Yeas:

Messrs:			
Adams	Dowdle	Jones	St. John
Adcock	Elliott	Kilpatrick	Sanders (Pike)
Allen	Embry	LeMaistre	Smith (Clay)
Arrington	Fanning	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Fite	Luck	Snodgrass
Ashcraft (Lauderdl.	Glass	McGowen	Sollie
Bealle	Glenn	Melton	Thompson (Etowah)
Blackwell	Goode	Mooneyham	Tiller
Bowen, Lewis	Goodwyn	Nichols	Tunstall
Bowen, L. K.	Graves	Norman	Tyson
Boykin	Grove	Odom	Varner
Byars	Hatter	Parker	Walker
Calloway	Henley	Patterson	Wall
Cato	Henson	Powell	Ware
Coleman	Hodgson	Ringer	Mrs. Wilkins
Culver	Howze	Rountree	Williams
Cunningham	Hubbard	Russell	Wyatt
Deloney	Jeter	Rutherford	

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Nays:

Messrs:			
Burton	Guy	Moxley	Stewart (Bibb)
Cook	Lee	Poole	Verner
Gaines	Moorer	Sanders (Conecuh)	

—11

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Griffith:

S. J. R. 77. Be it resolved by the Senate, the House concurring, that when the two Houses recess today for the afternoon session, that a joint meeting of the Rules Committee be had immediately to fix and name time certain for adjournment of the present session.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the Senate Joint Resolution which is set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING.

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature, approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof

and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

Was read a third time at length and passed.

Yeas, 86; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jeter	St. John
Adams	Dickinson	Jones	Sanders (Conecuh)
Adcock	Dowdle	Lee	Sanders (Pike)
Allen	Elliott	LeMaistre	Sessions
Arrington	Embry	Letson	Smith (Clay)
Ashcraft (Fayette)	Fanning	Love	Smith (Jefferson)
Ashcraft (Lauderdl.)	Fite	Luck	Snodgrass
Bealle	Forman	McGowen	Stewart (Bibb)
Blackwell	Gaines	Melton	Stewart (Calhoun)
Bowen, Lewis	Glenn	Moorer	Thompson (Etowah)
Bowen, L. K.	Glover	Moxley	Tiller
Boykin	Goode	Nichols	Tunstall
Burns	Goodwyn	Norman	Tyson
Burton	Graves	Odom	Varner
Byars	Grove	Parker	Walker
Calloway	Hatter	Patterson	Wall
Cato	Henley	Poole	Walton
Christian	Henson	Powell	Mrs. Wilkins
Coleman	Hodgson	Ringer	Williams
Cook	Howard	Rountree	Wyatt
Culver	Howze	Russell	Young
Cunningham	Hubbard		

S. 103. To repeal an Act approved September 30, 1920, entitled, "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled, "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board", approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

Was read a third time at length and passed.

Yeas, 85; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hornsby	Russell
Adams	Dickinson	Howard	Sanders (Conecuh)
Adcock	Dowdle	Howze	Sanders (Pike)
Allen	Dunwoody	Hubbard	Smith (Clay)
Arrington	Embry	Jeter	Smith (Jefferson)
Ashcraft (Fayette)	Fanning	Jones	Snodgrass
Ashcraft (Lauderdl.)	Fite	Lee	Stewart (Bibb)
Bealle	Forman	LeMaistre	Stewart (Calhoun)
Blackwell	Glass	Letson	Tiller
Bowen, Lewis	Glenn	Luck	Tunstall
Bowen, L. K.	Glover	McGowen	Tyson
Boykin	Goode	Melton	Varnier
Burns	Goodwyn	Moorer	Verner
Burton	Graves	Moxley	Walker
Byars	Grove	Nichols	Wall
Calloway	Guy	Norman	Walton
Cato	Hall	Odom	Ware
Christian	Hatter	Poole	Mrs. Wilkins
Coleman	Henley	Powell	Williams
Cook	Henson	Ringer	Wyatt
Culver	Hodgson	Rountree	Young
Cunningham			

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S. 34. To amend section 3627 of the Code of Alabama of 1907.

Was taken up. Mr. Verner offered the following amendment to the bill:

Amend S. 34 by striking out the letter "I" in the 22nd line on page 2 of the bill and inserting in lieu thereof the word "In."

And the amendment was adopted.

Yeas, 70; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Fayette)	Bowen, L. K.	Coleman
Adams	Ashcraft (Lauderdl.)	Burns	Cook
Adcock	Bealle	Burton	Culver
Allen	Blackwell	Calloway	Cunningham
Arrington	Bowen, Lewis	Christian	Deloney

Dunwoody	Henley	Melton	Sollie
Elliott	Henson	Moorer	Stewart (Bibb)
Fanning	Hodgson	Norman	Stewart (Calhoun)
Fite	Howze	Parker	Thompson (Etowah)
Forman	Hubbard	Patterson	Tiller
Glenn	Jeter	Powell	Tunstall
Glover	Jones	Ringer	Tyson
Goode	Lee	Rountree	Varner
Goodwyn	LeMaistre	Sanders (Conecuh)	Verner
Graves	Letson	Sanders (Pike)	Walker
Grove	Love	Smith (Jefferson)	Ware
Guy	Luck	Snodgrass	Mrs. Wilkins
Hatter	McGowen		

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And the bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

As amended, was read a third time at length and passed.

Yeas, 70; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Deloney	Hubbard	Smith (Jefferson)
Adcock	Dickinson	Jeter	Snodgrass
Allen	Dowdle	Jones	Sollie
Arrington	Dunwoody	Kilpatrick	Stewart (Bibb)
Ashcraft (Fayette)	Fanning	Lee	Stewart (Calhoun)
Ashcraft (Lauderdl.)	Fite	Letson	Thompson (Etowah)
Bealle	Forman	Luck	Tiller
Blackwell	Gaines	McGowen	Tunstall
Bowen, Lewis	Glenn	Melton	Tyson
Bowen, L. K.	Goode	Norman	Varner
Burns	Goodwyn	Parker	Verner
Burton	Graves	Patterson	Wall
Byars	Grove	Powell	Walton
Calloway	Hatter	Rountree	Ware
Coleman	Henley	Sanders (Conecuh)	Mrs. Wilkins
Cook	Henson	Sanders (Pike)	Williams
Culver	Hodgson	Smith (Clay)	Wyatt
Cunningham	Howze		

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REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 125. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the

judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Also:

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

Also:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RECESS.

On motion of Mr. Tunstall, the House recessed until 3:30 P. M. this afternoon.

AFTERNOON SESSION.

The hour of 3:30 P. M. having arrived, the House reconvened.

LEAVE OF ABSENCE.

Was granted to Mr. Sessions for this afternoon and for tomorrow.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 79. Resolved by the Senate, the House concurring, that when the Legislature adjourns this afternoon it adjourns to meet tomorrow morning at 10 o'clock, and that it adjourn tomorrow at 12 o'clock noon finally until it reconvenes on July 10th, 1923, at 12 M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 79, which is set out in the above and foregoing message from the Senate.

BILL ON THIRD READING.

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Was read a third time at length and passed.

Yeas, 86; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	Russell
Adams	Dunwoody	Howze	Rutherford
Adcock	Embry	Hubbard	Sanders (Conecuh)
Allen	Fanning	Jeter	Sanders (Pike)
Arrington	Fite	Jones	Smith (Clay)
Ashcraft (Fayette)	Forman	Kilpatrick	Smith (Jefferson)
Ashcraft (Lauderdal)	Gaines	Lee	Smith (Lee)
Bealle	Glass	LeMaistre	Snodgrass
Blackwell	Glenn	Letson	Sollie
Bowen, Lewis	Glover	Love	Stewart (Bibb)
Bowen, L. K.	Goode	Luck	Stewart (Calhoun)
Boykin	Goodwyn	McGowen	Thompson (Etowah)
Burns	Graves	Melton	Tyson
Burton	Grove	Moorer	Varner
Calloway	Guy	Moxley	Verner
Cato	Hall	Nichols	Walker
Christian	Hampton	Norman	Wall
Cook	Hatter	Odum	Walton
Culver	Hawkins	Parker	Ware
Cunningham	Henley	Patterson	Mrs. Wilkins
Deloney	Henson	Ringer	Young
Dickinson	Hodgson		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted

H. J. R. 51. Relative to adjournment of the two Houses until Tuesday, July 10th, 1923 at 12:00 Noon.

Also:

H. J. R. 9. Requesting the Attorney General to investigate the constitutionality of certain statutes exempting from taxation property of certain corporations.

And returns same herewith to the House.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

February 9th, 1923, 4:25 P. M.

H. 125. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature

approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector, who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy; to confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Also:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment

of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to exceed over a period of more than ten years from date of contract upon which said warrants were issued.

Also:

H. 108. To repeal an act entitled "An act to regulate the fees of the judge of the county court of Franklin county, Alabama," approved February 21, 1893.

Also:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Also:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

Also:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Also:

H. 200. To fix the salary of the deputy solicitor for Butler county, Alabama.

Also:

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

And find same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILL ON THIRD READING.

S. 128. To amend section 6110 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 77; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henley	Patterson
Adams	Dickinson	Henson	Ringer
Adcock	Dowdle	Hodgson	Sanders (Conecuh)
Allen	Dunwoody	Howard	Sanders (Pike)
Ashcraft (Fayette)	Elliott	Howze	Smith (Jefferson)
Ashcraft (Lauderd ¹)	Embry	Hubbard	Smith (Lee)
Bealle	Fanning	Jeter	Snodgrass
Blackwell	Fite	Jones	Sollie
Bowen, Lewis	Gaines	Kilpatrick	Stewart (Calhoun)
Bowen, L. K.	Glass	Lee	Thompson (Etowah)
Boykin	Glenn	LeMaistre	Tyson
Burns	Glover	Letson	Varnier
Burton	Goode	Love	Verner
Byars	Goodwyn	Luck	Walker
Calloway	Graves	McGowen	Wall
Cato	Grove	Melton	Walton
Christian	Guy	Mooneyham	Ware
Cook	Hall	Norman	Mrs. Wilkins
Culver	Hampton	Odom	Young
Cunningham			

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Nays: Mr. Forman—1.

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties." Approved September 22, 1915.

Was taken up. Mr. Odom offered the following amendment to the bill:

Amendment to Senate bill No. 72:

Amend said bill by adding thereto: Provided however that when the owner or operator of such vehicle has paid such a license tax to the proper official or officials of the county of his residence, he shall not be required to pay such license tax to the officials of any other county, for the use of the public roads for going in or through such other county from or to the county in which he resides.

And the amendment was adopted.

Yeas, 63; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Coleman	Howard	Ringer
Adcock	Cook	Howze	Smith (Clay)
Allen	Culver	Hubbard	Smith (Jefferson)
Ashcraft (Fayette)	Cunningham	Jeter	Smith (Lee)
Ashcraft (Lauder'dl)	Dowdle	Jones	Snodgrass
Bealle	Elliott	Kilpatrick	Sollie
Blackwell	Embry	Lee	Stewart (Calhoun)
Bowen, Lewis	Fanning	LeMaistre	Tyson
Bowen, L. K.	Forman	Letson	Varner
Boykin	Goode	Melton	Verner
Burns	Goodwyn	Mooneyham	Walker
Burton	Graves	Moxley	Ware
Byars	Hatter	Norman	Mrs. Wilkins
Calloway	Henley	Odom	Wyatt
Cato	Henson	Patterson	Young
Christian	Hodgson	Powell	

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Nays:

Messrs:

Fite Stewart (Bibb) Walton

—3

Mr. Goode offered the following amendment to the bill:

Amend Senate bill No. 72 by amending the title by adding after the words "Several counties," the following, "Approved September 22nd, 1915."

And the amendment was adopted.

Yeas, 75; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Boykin	Dowdle	Grove
Adams	Burns	Elliott	Guy
Adcock	Burton	Embry	Hall
Allen	Byars	Fanning	Hatter
Arrington	Calloway	Fite	Henley
Ashcraft (Fayette)	Cato	Gaines	Henson
Ashcraft (Lauder'dl)	Cook	Glenn	Howard
Bealle	Culver	Glover	Howze
Blackwell	Cunningham	Goode	Hubbard
Bowen, Lewis	Deloney	Goodwyn	Jeter
Bowen, L. K.	Dickinson	Graves	Jones

Lee	Norman	Smith (Clay)	Verner
LeMaistre	Odum	Smith (Jefferson)	Walker
Letson	Parker	Smith (Lee)	Wall
Luck	Patterson	Sollie	Walton
McGowen	Ringer	Stewart (Calhoun)	Ware
Melton	Rountree	Thompson (Etowah)	Mrs. Wilkins
Mooneyham	Russell	Tyson	Young
Moxley	Sanders (Pike)	Varner	

—75

And the bill:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

As amended, was read a third time at length and passed.

Yeas, 46; nays, 21.

Yeas:

Messrs:

Mr. Speaker	Cook	Jeter	Smith (Clay)
Adams	Embry	Jones	Smith (Jefferson)
Adcock	Fanning	Letson	Sollie
Allen	Fite	McGowen	Stewart (Calhoun)
Ashcraft (Fayette)	Goode	Melton	Verner
Ashcraft (Lauderd ¹)	Goodwyn	Mooneyham	Walker
Bealle	Grove	Moxley	Wall
Bowen, L. K.	Hatter	Odum	Walton
Boykin	Henley	Rountree	Ware
Burns	Hodgson	Russell	Mrs. Wilkins
Calloway	Howard	Rutherford	Young
Cato	Howze		

—46

Nays:

Messrs:

Burton	Guy	Luck	Sanders (Conecuh)
Byars	Hall	Norman	Sanders (Pike)
Christian	Henson	Parker	Snodgrass
Deloney	Lee	Patterson	Stewart (Bibb)
Dickinson	Long	Ringer	Thompson (Etowah)
Forman			

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Overton:

S. J. R. 80. Resolved by the Senate, the House concurring, that a committee of two from the Senate, to be appointed by the

President of the Senate, and three from the House, to be appointed by the Speaker of the House, be appointed to extend an invitation to Hon. Oscar W. Underwood, United States Senator from Alabama to address a joint session of the Alabama Legislature during the month of July 1923, on such date and time to be agreed upon between the committee of the Senate and House created under this resolution and Mr. Underwood.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 80 was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill and returns same herewith to the House:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the Senate amendment to the bill H. 233, said Senate amendment being as follows:

Amend by adding at the end thereof the following proviso:

"Provided, that the members of no recess committees, except the Code Committee and the committee which is required to sit with the Budget commission and require to devise a well defined financial plan and policy for the State and its several departments, shall be authorized to draw or receive compensation for more than twenty days; and provided further however that the recess committee on education may draw and receive compensation for not more than thirty days and shall be reimbursed for actual railroad fares expended by the members of such committee on Education on any visits to the educational institutions and schools of the State.

Yeas, 67; nays, 1.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Fayette)

Ashcraft (Lauderd'e)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Byars

Calloway

Christian

Coleman	Goode	Luck	Sollie
Cook	Goodwyn	Melton	Stewart (Calhoun)
Culver	Graves	Mooneyham	Tunstall
Cunningham	Grove	Moxley	Varner
Deloney	Hampton	Norman	Verner
Dickinson	Hatter	Parker	Walker
Dunwoody	Henley	Patterson	Walton
Embry	Hodgson	Ringer	Ware
Fanning	Howze	Russell	Mrs. Wilkins
Forman	Hubbard	St. John	Williams
Gaines	Kilpatrick	Smith (Clay)	Wyatt
Glass	LeMaistre	Smith (Jefferson)	Young
Glover	Letson	Snodgrass	

—67

Nays: Mr. Henson—1.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Committee on Rules, returned to the House the following resolutions with a favorable report:

H. J. R. 41. Be it resolved by the House, the Senate concurring, that a joint committee of five (5), two (2) from the Senate, to be appointed by the President of the Senate, and three (3) from the House, to be appointed by the Speaker of the House, sit during the recess of the Legislature to investigate and examine into and report back to the Legislature, at its adjourned session, the conservation laws of the State of Alabama relating to the natural resources of the State:

Viz: Sea-foods, oysters, salt water fish, game and fish, and other natural resources of the State that demand the State's protection, but not Forestry.

Said Committee shall not sit over ten working days.

And the resolution was adopted.

Also:

S. J. R. 72. Be it resolved by the Senate, the House concurring, That 2000 copies of the General Act passed at this session of the Legislature be printed in pamphlet form as soon as possible, and that 10 copies be sent forthwith to the Probate Judge of each county in the State, and two to each member of the Senate and House of Representatives, one to each of the solicitors and judges of the State and one to each department of

the State Government, and the remainder to be distributed to the general public upon request.

And the resolution was adopted.

Also:

S. J. R. 69. Relative to State Convict Inspectors loaning to the several counties of the State certain animals at Camp Kilby.

And the resolution was adopted.

Also:

By Rules Committee:

JOINT HOUSE RESOLUTION.

H. J. R. 52. Be it resolved by the House, the Senate concurring, that a joint committee be raised, consisting of four from the House, to be appointed by the Speaker of the House, to which number the Speaker shall be added as ex-officio member, and two from the Senate, to be appointed by the Lieutenant Governor, and of which the President Pro Tem of the Senate shall be an ex-officio member, which committee, when appointed, shall be, and is hereby empowered to employ clerks, experts and attorneys and appoint sub-committees from its membership, and directed to sit with the State Budget commission during the recess period of the Legislature, to investigate the financial condition and needs of the State, and its several departments, and to act with and assist said State Budget commission in any manner that may be found necessary in order to carry out the purpose of said State Budget commission, so as to be able to report to the adjourned session of the Legislature a well-defined financial plan for the State, and the several departments thereof, the objects and amounts of expenditures the source and yield of revenues and the way the expenditures and revenues are made to balance, and a General Revenue bill, and make such other recommendations as it deems advisable, and said committee with the Budget commission shall also investigate the financial condition of the several counties, shall require the county authorities to furnish said committee with detailed statements showing the revenues of the counties and their indebtedness whether evidenced by bonds, warrants or otherwise, and the committee shall report their findings to the Legislature, with recommendations for legislation to aid the counties in handling their financial affairs.

And the resolution was adopted.

Also:

By Rules Committee:

H. J. R. 53. Be it resolved by the House, the Senate concurring, that the clerk of the House, the assistant clerk of the House, the reading clerk of the House, and five (5) assistants, to be named by the clerk of the House, and the secretary of the

Senate, the assistant secretary of the Senate and the chief clerk in the Secretary of the Senate's office, together with five (5) clerks to be named by the secretary of the Senate, be given a period of fifteen (15) days from the recess of the present session of the Legislature of Alabama, or so much thereof as may be necessary to check up, compare and arrange the Journal and Register of the House and Senate, and that they be allowed the same per diem as they are now allowed by law.

And the resolution was adopted.

Also:

By Rules Committee:

H. J. R. 54. Be it resolved by the House, the Senate concurring, that the doorkeeper of the House and the doorkeeper of the Senate are allowed the sum of fifteen hundred dollars or so much thereof as may be necessary to pay the expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate, to be paid out of the fund for the expenses of the Legislature. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for such bills when approved by the presiding officer of the Senate or House.

And the resolution was adopted.

Also:

S. J. R. 80. Resolved by the Senate, the House concurring, that a committee of two from the Senate, to be appointed by the President of the Senate, and three from the House, to be appointed by the Speaker of the House, be appointed to extend an invitation to Hon. Oscar W. Underwood, United States Senator from Alabama, to address a joint session of the Alabama Legislature during the month of July 1923 on such date and time to be agreed upon between the committee of the Senate and House created under this resolution and Mr. Underwood.

And the resolution was adopted.

Also:

By Rules Committee:

H. R. 55. Resolved that the following bills be made special orders in the order in which they appear below at 4:00 P. M. on February 9th, 1923: S. 128 and S. 72.

And the resolution was adopted.

RESOLUTION.

The following resolutions were introduced.

By Mr. Luck:

H. R. 56. Be it resolved by the House, that H. 175 be made a special order of business on the 15th Legislative Day at 5:00 P. M.

Mr. Luck moved to suspend the rules and place the resolution on its immediate passage. The motion to suspend the rules was lost and the resolution was referred to the Committee on Rules.

Also:

By Mr. Walton:

H. J. R. 57. Resolved by the House, the Senate concurring, a committee of three to be composed of one member from the Senate, and two members from the House, be appointed by the respective Presiding Officers of the two bodies, to invite the Hon. J. Thomas Heflin, United States Senator from Alabama, to address a joint session of the Legislature of Alabama during the month of July, 1923.

And the resolution was adopted.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

Dated February 9th, 1923, at 5 P. M.

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Also:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Also:

H. 108. To repeal an act entitled "An act to regulate the fees of the judge of the county court of Franklin county, Alabama," approved February 21, 1893.

Also:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Also:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

Also:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Also:

H. 200. To fix the salary of the deputy solicitor for Butler county, Alabama.

Also:

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue, and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid

warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howard	Rountree
Adams	Fite	Howze	Russell
Adcock	Forman	Hubbard	Smith (Clay)
Allen	Gaines	Jeter	Smith (Jefferson)
Bealle	Glass	Jones	Sollie
Bowen, Lewis	Glover	Lee	Tiller
Bowen, L. K.	Goode	LeMaistre	Tunstall
Boykin	Graves	Letson	Tyson
Burns	Grove	Love	Varner
Burton	Guy	Melton	Verner
Byars	Hall	Moorer	Wall
Cato	Hampton	Moxley	Walton
Cook	Hatter	Odom	Ware
Culver	Henley	Patterson	Williams
Dowdle	Henson	Poole	Wyatt
Elliott	Hodgson	Powell	Young
Embry	Hornsby	Ringer	

—67

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Graves	LeMaistre	Russell
Adams	Grove	Letson	Rutherford
Adcock	Hall	Long	St. John
Arrington	Hampton	Luck	Tiller
Bealle	Hatter	McGowen	Tunstall
Byars	Hawkins	Melton	Tyson
Calloway	Henley	Moorer	Varner
Cook	Henson	Moxley	Verner
Culver	Hodgson	Nichols	Walker
Embry	Hornsby	Norman	Wall
Fanning	Howard	Odom	Walton
Fite	Howze	Parker	Ware
Forman	Hubbard	Poole	Mrs. Wilkins
Gaines	Jeter	Posey	Williams
Glenn	Jones	Powell	Wyatt
Goode	Kilpatrick	Ringer	Young
Goodwyn	Lee	Rountree	

—67

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local

in conflict with the provisions of this act insofar as they relate to Coffee county, Alabama.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glass	McGowen	Smith (Clay)
Adams	Glenn	Melton	Smith (Jefferson)
Adcock	Glover	Mooneyham	Smith (Lee)
Allen	Goode	Moorer	Snodgrass
Burns	Goodwyn	Moxley	Sollie
Burton	Guy	Nichols	Stewart (Bibb)
Byars	Hall	Norman	Stewart (Calhoun)
Deloney	Hampton	Odom	Thompson (Etowah)
Dickinson	Hatter	Parker	Tiller
Dowdle	Howard	Patterson	Tunstall
Dunwoody	Howze	Poole	Tyson
Elliott	Hubbard	Posey	Varner
Embry	Jeter	Powell	Verner
Fanning	Jones	Ringer	Williams
Fite	Long	Rountree	Wyatt
Forman	Love	Russell	Young
Gaines	Luck	Rutherford	

—67

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville road extending from the west side of Sixteenth street north to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glass	Lee	Smith (Lee)
Adams	Glenn	LeMaistre	Snodgrass
Adcock	Glover	Letson	Sollie
Allen	Goode	Moorer	Tiller
Bealle	Goodwyn	Moxley	Tunstall
Blackwell	Graves	Nichols	Tyson
Bowen, Lewis	Grove	Norman	Varner
Bowen, L. K.	Guy	Odom	Verner
Boykin	Hall	Parker	Walker
Burns	Hatter	Poole	Wall
Burton	Hawkins	Posey	Walton
Byars	Henley	Powell	Ware
Embry	Howard	Ringer	Mrs. Wilkins
Fanning	Howze	Rountree	Williams
Fite	Jeter	Russell	Wyatt
Forman	Jones	Rutherford	Young
Gaines	Kilpatrick	St. John	

—67

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama; beginning at a point on the southwest (SW) line of Thornton street where the center of Motley avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jeter	Sanders (Conecuh)
Adams	Embry	Jones	Sanders (Pike)
Arrington	Gaines	Kilpatrick	Smith (Clay)
Ashcraft (Fayette)	Glass	Lee	Smith (Jefferson)
Ashcraft (Lauderd ¹)	Glenn	LeMaistre	Smith (Lee)
Bowen, Lewis	Glover	Letson	Stewart (Bibb)
Bowen, L. K.	Goode	Long	Stewart (Calhoun)
Boykin	Goodwyn	Love	Thompson (Etowah)
Burns	Graves	Luck	Tiller
Byars	Grove	Poole	Tunstall
Calloway	Guy	Posey	Tyson
Cato	Hall	Powell	Varner
Christian	Hodgson	Ringer	Verner
Coleman	Hornsby	Rountree	Walker
Deloney	Howard	Russell	Wyatt
Dickinson	Howze	Rutherford	Young
Dowdle	Hubbard	St. John	

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premiums on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general funds, and to provide for the payment of the sheriff and his deputies, guards and jailers, authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for, authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue, and paid out of the general fund; and providing when and how this Act shall become effective.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Hubbard	Russell
Adams	Dunwoody	Jeter	Rutherford
Adcock	Elliott	Jones	St. John
Allen	Embry	Kilpatrick	Sanders (Conecuh)
Arrington	Fanning	Lee	Sanders (Pike)
Bealle	Fite	LeMaistre	Smith (Clay)
Blackwell	Forman	Letson	Smith (Jefferson)
Bowen, Lewis	Gaines	Long	Smith (Lee)
Bowen, L. K.	Glass	Love	Snodgrass
Boykin	Glenn	Luck	Sollie
Burns	Glover	McGowen	Stewart (Bibb)
Burton	Goode	Melton	Stewart (Calhoun)
Byars	Goodwyn	Poole	Thompson (Etowah)
Calloway	Guy	Posey	Ware
Cato	Hall	Powell	Wyatt
Deloney	Howard	Ringer	Young
Dickinson	Howze	Rountree	

—67

H. 13. To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Rutherford
Adams	Fanning	Hubbard	St. John
Adcock	Fite	Jeter	Smith (Clay)
Allen	Forman	Jones	Smith (Jefferson)
Arrington	Gaines	Kilpatrick	Smith (Lee)
Bealle	Glass	Lee	Snodgrass
Blackwell	Glenn	LeMaistre	Sollie
Boykin	Glover	Norman	Stewart (Bibb)
Burns	Goode	Odom	Stewart (Calhoun)
Burton	Graves	Parker	Thompson (Etowah)
Byars	Grove	Patterson	Tiller
Calloway	Guy	Poole	Tunstall
Cato	Hall	Posey	Tyson
Christian	Henley	Powell	Wall
Coleman	Hodgson	Ringer	Walton
Cook	Hornsby	Rountree	Ware
Culver	Howard	Russell	

—67

H. 174. To relieve the Tax Assessor of Morgan County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Hubbard	Rountree
Adams	Gaines	Jeter	Russell
Adcock	Glass	Jones	Rutherford
Boykin	Glenn	Kilpatrick	Tiller
Burns	Glover	Lee	Tunstall
Burton	Goode	Melton	Tyson
Byars	Goodwyn	Moorer	Varner
Calloway	Graves	Moxley	Verner
Cato	Grove	Nichols	Walker
Christian	Guy	Norman	Wall
Coleman	Hall	Odom	Walton
Cook	Henley	Parker	Ware
Culver	Henson	Patterson	Mrs. Wilkins
Elliott	Hodgson	Poole	Williams
Embry	Hornsby	Posey	Wyatt
Fanning	Howard	Powell	Young
Fite	Howze	Ringer	

—67

H. 236. To repeal an act entitled "An act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glass	Love	Smith (Jefferson)
Adams	Glenn	Luck	Smith (Lee)
Adcock	Glover	McGowen	Snodgrass
Cato	Goode	Melton	Sollie
Christian	Grove	Parker	Stewart (Bibb)
Coleman	Guy	Patterson	Stewart (Calhoun)
Cook	Hall	Poole	Thompson (Etowah)
Culver	Hampton	Posey	Tiller
Cunningham	Hatter	Powell	Tunstall
Deloney	Hawkins	Ringer	Tyson
Dickinson	Jeter	Rountree	Verner
Dowdle	Jones	Russell	Verner
Embry	Kilpatrick	Rutherford	Walker
Fanning	Lee	St. John	Williams
Fite	LeMaistre	Sanders (Conecuh)	Wyatt
Forman	Letson	Sanders (Pike)	Young
Gaines	Long	Smith (Clay)	

—67

H. 149. Empowering the Clerk of the Circuit Court of the County of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the Judge of the County Court.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howard	Parker
Adams	Fite	Howze	Patterson
Adcock	Forman	Hubbard	Poole
Allen	Glover	Jeter	Posey
Bealle	Goode	Jones	Powell
Blackwell	Goodwyn	Letson	Ringer
Boykin	Graves	Long	Rountree
Burns	Grove	Love	Russell
Burton	Guy	Luck	Rutherford
Byars	Hall	McGowen	St. John
Calloway	Hampton	Melton	Smith (Clay)
Cato	Hatter	Mooneyham	Smith (Jefferson)
Cook	Hawkins	Moorer	Smith (Lee)
Culver	Henley	Moxley	Snodgrass
Deloney	Henson	Nichols	Sollie
Dowdle	Hodgson	Norman	Young
Embry	Hornsby	Odom	

—67

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 52. Creating a joint recess committee to sit with the Budget Commission during the recess to investigate the financial condition and needs of the State.

Also:

H. J. R. 53. Allowing the Clerk of the House, the Secretary of the Senate and additional Clerks selected by them a period of fifteen days to check up, compare and arrange the Journal and Registers of the House and Senate.

Also:

H. J. R. 54. Relative to allowing the doorkeeper of the House and the doorkeeper of the Senate the sum of \$1500.00 or so much thereof as may be necessary to pay the expenses of the Legislature, to be paid out of the fund for the expenses of the Legislature.

And returns same herewith to the House.

J. E. Speight,
Secretary.

ADJOURNMENT.

On motion of Mr. Tunstall the House adjourned until 10 o'clock tomorrow morning.

SIXTEENTH DAY.

House of Representatives,
Saturday, February 10th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. C. Harrison of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Calloway	Forman	Hornsby
Adams	Cato	Gaines	Howard
Adcock	Christian	Glass	Howze
Allen	Coleman	Glover	Hubbard
Arrington	Cook	Goode	Jeter
Ashcraft (Fayette)	Culver	Goodwyn	Jones
Ashcraft (Lauder's)	Cunningham	Graves	Lee
Bealle	Deloney	Grove	LeMaistre
Blackwell	Dickinson	Guy	Letson
Bowen, Lewis	Dowdle	Hall	Long
Bowen, L. K.	Dunwoody	Hampton	Love
Boykin	Elliott	Hatter	Luck
Burns	Embry	Henley	McGowen
Burton	Fanning	Henson	Melton
Byars	Fite	Hodgson	Moxley

Nichols	Rutherford	Sollie	Verner
Norman	St. John	Stewart (Bibb)	Walker
Odom	Sanders (Conecuh)	Stewart (Calhoun)	Wall
Parker	Sanders (Pike)	Thompson (Etowah)	Walton
Patterson	Smith (Clay)	Tiller	Ware
Powell	Smith (Jefferson)	Tunstall	Mrs. Wilkins
Ringer	Smith (Lee)	Tyson	Williams
Rives	Snodgrass	Varner	Young
Russell			

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

REPORT OF THE STANDING COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal of the House for the 15th Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee on the Revision of the Journal was concurred in and adopted and the Journal of the House for the Fifteenth Day was approved.

RESOLUTIONS.

The following resolutions were introduced:
By Mr. Adams:

H. R. 58. Resolved, That the House of Representatives extends thanks to the Mobile Register, Montgomery Advertiser and Birmingham Age-Herald for the free distribution of papers during this session of the Legislature.

The rules were suspended and the resolution was adopted.

By Mr. Bowen, L. K.:

H. J. R. 59. Whereas, it has always been the practice of the Legislature and the Senate concurring, to appoint a Committee from the House and Senate to investigate the conditions in convict camps, and to make such recommendations as they think wise and best, Therefore,

Be it resolved by the House and Senate concurring, That a Committee of five members of Legislature and two from the Senate be appointed on said Committee and report back at the summer session.

Be it further resolved that the rules be suspended and this Resolution be put on its immediate passage.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Bowen, L. K.:

H. J. R. 60. Whereas, the A. B. & A. Railroad has not paid its taxes to the State of Alabama, and

Whereas, the State of Alabama is now in need of all the funds available, Therefore,

Be it resolved, That the Legislature now in session, the Senate concurring, recommend to the Governor and Attorney General of Alabama, that they proceed to make such collections which would relieve the State Treasurer about \$300,000.00.

And the resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. J. R. 61. Resolved by the House, the Senate concurring, that the Speaker of the House be and is hereby authorized and directed to appoint one additional member of the Code Commission.

The rules were suspended and the resolution was adopted.

By Mr. Sollie:

H. R. 62. Be it resolved that the House extends to the Speaker approval of and gratitude and thanks for his modest, refined, impartial and able discharge of the duties of his office during the present session.

The rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

By Mr. Grove:

H. J. R. 41. Relative to a joint committee to sit during the recess to investigate and examine into the conservation laws of the State of Alabama relating to the natural resources of the State, viz: Sea-foods, oysters, salt water fish, game, etc.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendments to the bill:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties

with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties." Approved September 22, 1915.

J. E. Speight,
Secretary.

BILL TAKEN FROM ADVERSE CALENDAR.

On motion of Mr. Howze

H. 261. To abolish the County Court of Coosa County and the offices of Judge and Deputy Solicitor pertaining thereto.

Was taken from the Adverse Calendar and recommitted to the Standing Committee on Local Legislation.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 103. To repeal an Act approved September 30, 1920, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled 'An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board,' approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree."

Also:

S. 128. To amend section 6110 of the Code of Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING.

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the pro-

ceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hubbard	Smith (Clay)
Adams	Embry	Jeter	Smith (Jefferson)
Adcock	Fanning	Jones	Snodgrass
Ashcraft (Fayette)	Fite	LeMaistre	Sollie
Ashcraft (Lauderd'e)	Forman	Letson	Stewart (Bibb)
Bealle	Glass	Luck	Stewart (Calhoun)
Blackwell	Goode	McGowen	Thompson (Etowah)
Bowen, L. K.	Goodwyn	Melton	Tunstall
Boykin	Graves	Moxley	Tyson
Burton	Grove	Norman	Varner
Byars	Guy	Odom	Verner
Calloway	Hall	Patterson	Walker
Cook	Hatter	Powell	Wall
Culver	Henley	Ringer	Walton
Cunningham	Hodgson	Russell	Ware
Deloney	Howard	St. John	Williams
Dickinson	Howze	Sanders (Pike)	Young
Dowdle			

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S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.'"

Was read a third time at length and passed.

Yeas, 67; nays, 6.

Yeas:

Messrs:

Mr. Speaker	Calloway	Fite	Hubbard
Adams	Coleman	Forman	Jeter
Adcock	Cook	Goode	Jones
Ashcraft (Fayette)	Culver	Goodwyn	LeMaistre
Ashcraft (Lauderd'e)	Cunningham	Graves	Letson
Bealle	Dickinson	Grove	Luck
Bowen, Lewis	Dowdle	Hatter	McGowen
Bowen, L. K.	Dunwoody	Henley	Melton
Burns	Elliott	Hodgson	Moxley
Burton	Embry	Howard	Norman
Byars	Fanning	Howze	Odom

Patterson	Smith (Clay)	Thompson (Etowah)	Walton
Powell	Smith (Jefferson)	Tunstall	Ware
Ringer	Snodgrass	Varner	Mrs. Wilkins
Russell	Sollie	Verner	Williams
St. John	Stewart (Bibb)	Walker	Young
Sanders (Pike)	Stewart (Calhoun)	Wall	

—67

Nays:

Messrs:

Blackwell

Boykin

Glass

Guy

Hall

Henson

—6

Mr. Tunstall moved to reconsider the vote by which the bill S. 83 was passed and then moved to table his motion to reconsider and the motion to table prevailed.

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Adams

Adcock

Ashcraft (Fayette)

Ashcraft (Lauder'de)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Calloway

Coleman

Cook

Cunningham

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Fite

Forman

Goode

Graves

Grove

Hall

Hatter

Henley

Henson

Hodgson

Howard

Howze

Hubbard

Jeter

Jones

LeMaistre

Letson

Luck

Moxley

Norman

Odom

Parker

Patterson

Powell

Ringer

Russell

St. John

Sanders (Pike)

Smith (Clay)

Smith (Jefferson)

Snodgrass

Sollie

Stewart (Bibb)

Stewart (Calhoun)

Thompson (Etowah)

Verner

Walker

Wall

Walton

Ware

Williams

Young

—65

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.' "

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

S. 112. To amend sections 15, 16, and 47, of an act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill, S. 112, by a majority vote of the whole number elected to the Senate. Said vote being: Yeas, 24; nays, 0.

Said Governor's message containing the proposed amendment being as follows:

A MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives:

Senate Bill 112 by Mr. Brower, which is an Act to amend sections 15, 16 and 47 of the act approved October 1, 1920, and known as the Alabama Public Utility Act of 1920, has been received by me.

To the purposes of said Senate Bill 112 I give my hearty approval. Upon a careful consideration of said Bill, I find that it ought to be returned to you with the following objection of the Governor, to-wit:

That part of section 16 of said bill which reads as follows:

"When any order of valuation or of re-valuation of the commission heretofore made, has become a final order, an appeal may be taken therefrom by the utility or by any person, as defined herein, who is a party to the cause before the commission to the circuit court of Montgomery County, Alabama, in equity, within thirty days from the date of such final order, and upon the hearing of such appeal that court shall have the right to

affirm the order of the commission, or reverse the same and remand the case to the commission for further consideration."

Should be stricken out, and in lieu thereof the following should be inserted, namely:

"When any order of valuation or of re-valuation of the commission hereafter made, has become a final order an appeal may be taken therefrom by the utility or by any person, as defined herein, who is a party to the cause before the commission, to the circuit court of Montgomery County, Alabama, in equity, within thirty days from the date of such final order, and upon the hearing of such appeal that court shall have the right to affirm the order of the commission, or reverse the same and remand the cause to the commission for further consideration."

In my opinion said quoted part of said bill above set out should be struck out and the provision which I recommended should be inserted for the following reasons to-wit:

This part of said section 16 of said bill should be so worded as to apply to any order of valuation or of re-valuation of the commission hereafter made. If the said quoted clause remains in the bill as passed, it can have no application because I find it has now been more than thirty days since any such order has been made by said commission, and such provision should so read as to make the right of appeal therein referred to apply to any such order hereafter made.

Wm. W. Brandon,
Governor.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 24; nays, 0.

And said bill, together with the Governor's Message containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ashcraft of Lauderdale the House concurred in and adopted the amendment proposed by the Governor to the bill S. 112, said amendment of the Governor being set out in the above and foregoing message from the Senate.

Yeas, 74; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adcock

Ashcraft (Fayette)

Ashcraft (Lauderd'e)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Calloway

Coleman

Cook

Culver

Cunningham

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Fite

Forman

Glass

Goode

Goodwyn

Graves

Grove

Guy

Hall

Hatter

Henley

Henson

Hodgson

Howard

Howze

Hubbard

Jones	Parker	Snodgrass	Verner
LeMaistre	Patterson	Sollie	Walker
Letson	Powell	Stewart (Bibb)	Wall
Luck	Ringer	Stewart (Calhoun)	Walton
McGowen	Russell	Thompson (Etowah)	Ware
Melton	St. John	Tunstall	Mrs. Wilkins
Moxley	Sanders (Pike)	Tyson	Williams
Norman	Smith (Clay)	Varner	Young
Odom	Smith (Jefferson)		

—74

Which was a majority of the whole number elected to the House.

And the bill:

S. 112. To amend sections 15, 16 and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities, and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

As amended by the amendment proposed by the Governor, was read a third time at length and passed.

Yeas, 75; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Dowdle	Howze	Smith (Clay)
Adams	Dunwoody	Hubbard	Smith (Jefferson)
Adcock	Elliott	Jeter	Snodgrass
Ashcraft (Fayette)	Embry	Jones	Sollie
Ashcraft (Lauderdale)	Fanning	LeMaistre	Stewart (Bibb)
Bealle	Fite	Letson	Stewart (Calhoun)
Blackwell	Forman	Luck	Thompson (Etowah)
Bowen, Lewis	Glass	McGowen	Tunstall
Bowen, L. K.	Goode	Melton	Tyson
Boykin	Goodwyn	Moxley	Varner
Burns	Graves	Norman	Verner
Burton	Grove	Odom	Walker
Byars	Guy	Parker	Wall
Calloway	Hall	Patterson	Walton
Coleman	Hatter	Powell	Ware
Cook	Henley	Ringer	Mrs. Wilkins
Culver	Henson	Russell	Williams
Cunningham	Hodgson	St. John	Young
Deloney	Howard	Sanders (Pike)	

—75

Which was a majority of the whole number elected to the House of Representatives.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 61. Relative to the Speaker of the House appointing one additional member of the Code Commission.

J. E. Speight,
Secretary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills and House Joint Resolutions:

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census; or which shall have such population according to any such census that may be hereafter taken, special funds to be known as policemen's pension and relief funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be

bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

Also:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

Also:

H. J. R. 9. Requesting the Attorney General to investigate the constitutionality of the statutes exempting from taxation the property of certain corporations owning large interests in the State and report his opinion to the Senate and House.

Also:

H. J. R. 51. Resolved by the House, the Senate concurring, that when the two Houses adjourn for the recess, that they reconvene on Tuesday, July 10th, 1923, at 12 o'clock Noon.

And find same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILLS AND JOINT RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House Joint Resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 177. To amend an act entitled "An act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to proscribe rules and regulations governing the said board," approved February 13, 1919.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The President of the Senate having signed the following bills, your signature thereto is requested :

S. 34. To amend section 3627 of the Code of Alabama of 1907.

Also :

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties." Approved September 22, 1915.

Also :

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Also :

By Mr. Foster :

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Also :

S. 112. To amend sections 15, 16, and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, mainte-

nance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills has examined the following House Joint Resolutions:

H. J. R. 53. Relative to giving a period of fifteen days, or as much time as may be necessary, to check up, compare and arrange the Journal and Register of the House and Senate, and that they be allowed the same per diem as they are now allowed by the law.

Also:

H. J. R. 41. That a joint committee be appointed to sit, not over ten working days, during the recess of the Legislature, to investigate the conservation laws of the State relating to all natural resources, except Forestry.

Also:

H. J. R. 54. Relative to a sum of money being paid the doorkeepers to pay necessary expenses incurred by them, to be taken out of the expenses of the Legislature.

Also:

H. J. R. 61. Relative to the appointment of one additional member of the Code Commission.

Also:

H. J. R. 52. That a committee from the House and Senate be appointed to co-operate with State Budget Commission during recess, and report at adjourned session of the Legislature a well defined financial plan for the State.

And find same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills and resolutions hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

February 10th, 1923, 11:51 A. M.

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal Census; or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payment for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows

and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

Also:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

Also:

H. J. R. 9. Requesting the Attorney General to investigate the constitutionality of the Statutes exempting from taxation the property of certain corporations owning large interests in the State and report his opinion to the Senate and House.

Also:

H. J. R. 57. Resolved by the House, the Senate concurring, that when the two Houses adjourn for the recess, that they reconvene on Tuesday, July 10th, 1923, at 12 o'clock Noon.

J. H. Stewart,
Clerk.

MESSAGE FROM THE GOVERNOR.

The House received the following message from the Governor relative to H. 235:

Message to the House of Representatives:

I return to you herewith House Bill No. 235, entitled "An Act to appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for the feeding of prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid."

Without my approval, with the following objection: The second section of the act provides that upon the passage and approval of the act the Auditor be and is directed to draw his warrant upon the State Treasurer for the unpaid balance due any sheriff. The general statutes of the State prohibit the Auditor's drawing warrants to public officials who are then indebted to the State in an amount in excess of the warrant. Section two of this act would authorize if it did not require the payment to a sheriff who was then indebted to the State in an amount in excess of his warrant. I propose the following amendment to the bill which if made by the Legislature will meet my approval.

Amend the bill by adding at the end of the bill the following proviso:

"Provided that no payment shall be made to any sheriff which is in excess of the amount which such sheriff may then owe the State."

Respectfully submitted,

Wm. W. Brandon,
Governor.

Feb. 10, 1923

GOVERNOR'S MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the amendment proposed by the Governor to the bill H. 235, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 76; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Henson	Sanders (Pike)
Adams	Dickinson	Hodgson	Smith (Clay)
Adcock	Dowdle	Hornsby	Smith (Jefferson)
Allen	Dunwoody	Howard	Snodgrass
Arrington	Elliott	Howze	Sollie
Ashcraft (Fayette)	Embry	Hubbard	Stewart (Bibb)
Ashcraft (Lauderd'e)	Fanning	Jeter	Stewart (Calhoun)
Bealle	Fite	Jones	Thompson (Etowah)
Blackwell	Forman	LeMaistre	Tunstall
Bowen, Lewis	Glass	Letson	Tyson
Bowen, L. K.	Glover	Luck	Varnier
Burns	Goode	Melton	Verner
Burton	Goodwyn	Moxley	Walker
Byars	Graves	Norman	Wall
Calloway	Grove	Parker	Walton
Coleman	Guy	Patterson	Ware
Cook	Hall	Powell	Mrs. Wilkins
Culver	Hatter	Ringer	Williams
Cunningham	Henley	St. John	Young

—76

Which was a majority of the whole number elected to the House.

And the bill:

H. 235. To appropriate the sum of fifty thousand dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

As amended by the amendment proposed by the Governor, was read a third time at length and passed.

Yeas, 75; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Cunningham	Glass
Adams	Bowen, L. K.	Deloney	Goode
Adcock	Boykin	Dickinson	Goodwyn
Allen	Burns	Dowdle	Graves
Arrington	Burton	Dunwoody	Grove
Ashcraft (Fayette)	Byars	Embry	Guy
Ashcraft (Lauderd'e)	Calloway	Fanning	Hall
Bealle	Cook	Fite	Hatter
Blackwell	Culver	Forman	Henley

Henson	McGowen	St. John	Varner
Hodgson	Melton	Sanders (Pike)	Verner
Howard	Moxley	Smith (Clay)	Walker
Howze	Norman	Smith (Jefferson)	Wall
Hubbard	Odom	Snodgrass	Walton
Jeter	Parker	Sollie	Ware
Jones	Patterson	Stewart (Bibb)	Mrs. Wilkins
LeMaistre	Powell	Stewart (Calhoun)	Williams
Letson	Ringer	Thompson (Etowah)	Young
Luck	Russell	Tunstall	

—75

Which was a majority of the whole number elected to the House.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that they have examined the following House bills:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Also:

H. 236. To repeal an act entitled "An act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Also:

H. 13. To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

Also:

H. 174. To relieve the Tax Assessor of Morgan County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Also:

H. 149. Empowering the Clerk of the Circuit Court of the County of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the Judge of the County Court.

Also:

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local

in conflict with the provisions of this act insofar as they relate to Coffee county, Alabama.

Also:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Also:

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama: Beginning at a point on the southwest (SW) line of Thornton street where the center of Motley Avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parker's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Also:

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville road extending from the west side of Sixteenth street north to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

Also:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65) and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Also:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last federal census or any subsequent federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

And find same correct.

Lee Glenn,

Chairman Engrossed Bills Committee.

The report of the Committee was concurred in and adopted.

APPOINTMENT OF SPECIAL COMMITTEES.

Under House bill No. 16 and House and Senate Joint Resolutions heretofore adopted, creating committees to sit during the

recess, the Speaker named the following members to serve on said committees on part of the House:

COMMITTEE ON READING AND REVISION OF THE CODE.

Walker	Goodwyn	Rountree	Howze
Wall	Luck	Embry	St. John

COMMITTEE ON AGRICULTURE.

Burns	Dunwoody	Smith (Lee)	Calloway
Goode			

COMMITTEE ON EDUCATION.

Culver	Walton	Bowen, Lewis	LeMaistre
Mrs. Wilkins	Hubbard		

COMMITTEE TO SIT WITH BUDGET COMMISSION.

Ashcraft (Lauderd ¹)	Tunstall	Cunningham	Graves
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COMMITTEE ON FISH, GAME AND SEA FOOD.

Grove	Henley	Pickens
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RESOLUTION.

The following House Joint Resolution was introduced:
By Rules Committee:

H. J. R. 63. Resolved by the House, the Senate concurring, that a Joint Committee, two from the House and two from the Senate, be appointed to await upon the Governor, and ascertain if he has any further business to submit to the two Houses before adjourning for the recess.

The rules were suspended and the resolution was adopted and the Speaker named as Committee on part of the House, Messrs. Tunstall and Fite.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Date: February 10th, 1923, 11:55 A. M.

H. J. R. 53. Relative to giving a period of fifteen days, or as much time as may be necessary, to check up, compare and arrange the Journal and Register of the House and Senate, and that they be allowed the same per diem as they are now allowed by the law.

Also:

H. J. R. 41. That a joint committee be appointed to sit, not over ten working days, during the recess of the Legislature, to investigate the conservation laws of the State relating to all national resources, except Forestry.

Also:

H. J. R. 54. Relative to a sum of money being paid the door-keepers to pay necessary expenses incurred by them, to be taken out of the expenses of the Legislature.

Also:

H. J. R. 61. Relative to the appointment of one additional member of the Code Commission.

Also:

H. J. R. 52. That a committee from the House and Senate be appointed to co-operate with State Budget Commission during recess and report at adjourned session of Legislature a well defined financial plan for the State.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 63. Relative to a committee to wait upon the Governor to ascertain if he has any further business to come before the Legislature before adjournment.

And returns same herewith to the House.

Committee on part of Senate, Messrs. Oliver and Randall.
J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to authority of Joint Resolutions heretofore adopted, the Lieutenant-Governor and presiding officer of the Senate has appointed the following members of the recess committees, to-wit:

1. Code Commission: Messrs. Waddell, Hildreth, Tunstall and Carmichael.

2. Educational Committee: Messrs. Inzer, Adams, McNeil and Hudgens.

3. Budget Committee: Messrs. Ellis, Foster and Carlton.

4. Agricultural Committee: Messrs. Duncan, Garth and Horton.

5. Fish and Game Committee: Messrs. Craft and Jones of Conecuh.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

By a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 23; nays, 0.

And said bill as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 23; nays, 0.

And said bill, together with the Governor's message, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 57. Creating a Committee of the two Houses to invite Hon. J. Thomas Heflin, United States Senator from Alabama, to address a joint session of the two Houses during the month of July.

And the President has appointed as a Committee on the part of the Senate, Mr. Jones of Barbour.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Speaker named as Committee on part of the House, to notify Senator Heflin, Messrs. Walton and Ware.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to Senate Joint Resolution No. 80 heretofore adopted, creating a joint committee to invite Hon. Oscar W. Underwood, United States Senator from Alabama, to address the Legislature during the month of July, the President and presiding officer of the Senate appointed as a committee on the part of the Senate Messrs. Overton and Randall.

J. E. Speight,
Secretary.

SENATE MESSAGE.

Under S. J. R. 80, heretofore adopted, inviting Senator Oscar W. Underwood to address the Legislature during the month of July, the Speaker named as Committee on part of the House, Messrs. Tunstall, Ashcraft of Lauderdale and Embry.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill hereinafter mentioned was delivered to the executive department on the date and hour named, and that I hold the receipt of the executive department for same:

Date, February 10th, 1923, 11:50 A. M.

H. 177. To amend an act entitled "An act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to proscribe rules and regulations governing the said board," approved February 13, 1919.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills has examined the following House bill:

H. 235. An Act to appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County Jails during the fiscal year ending September 30, 1922, and which are unpaid.

And finds same correctly enrolled.

James A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bill H. 235 was delivered to the Governor on Saturday, February 10th, 1923, at 11:55 A. M., and that I hold receipt of the executive department for same.

J. H. Stewart,
Clerk.

ADJOURNMENT.

On motion of Mr. Embry, the House adjourned until Tuesday, July 10th, at 12 o'clock Noon.

SEVENTEENTH DAY.

House of Representatives,
Tuesday, July 10th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer, by Dr. Spragins, of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Elliott	Jones	Rutherford
Adams	Embry	Kilpatrick	St. John
Adcock	Fanning	Lee	Sanders (Conecuh)
Allen	Ferrell	LeMaistre	Sanders (Pike)
Arrington	Fite	Letson	Sessions
Ashcraft (Fayette)	Forman	Long	Smith (Clay)
Ashcraft (Lauderd ¹)	Gaines	Love	Smith (Jefferson)
Bealle	Glenn	Luck	Smith (Lee)
Blackwell	Glover	McGowen	Snodgrass
Bowen, Lewis	Goode	Melton	Sollie
Bowen, L. K.	Goodwyn	Mooneyham	Stewart (Bibb)
Boykin	Graves	Moorer	Stewart (Calhoun)
Burns	Grove	Moxley	Thompson (Etowah)
Burton	Guy	Nichols	Thompson (Jackson)
Byars	Hall	Norman	Tiller
Calloway	Hampton	Odom	Tunstall
Cato	Hatter	Parker	Varner
Christian	Henley	Patterson	Walker
Coleman	Henson	Pickens	Wall
Cook	Hodgson	Poole	Walton
Culver	Hornsby	Posey	Ware
Deloney	Howard	Powell	Mrs. Wilkins
Dickinson	Howze	Ringer	Williams
Dowdle	Hubbard	Rives	Wyatt
Dunwoody	Jeter	Rountree	Young

A quorum was present.

REPORT OF STANDING COMMITTEE ON REVISION OF JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker :

Your Committee on Revision of the Journal begs leave to report as follows: We have examined the Journal for the Sixteenth Legislative Day and find the same to be correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Sixteenth Day was approved.

LEAVE OF ABSENCE.

Indefinite leave was granted to Messrs. Verner, Tyson and Hawkins.

OATH ADMINISTERED.

Hon. Henry McDaniel of Marengo, having been duly and constitutionally elected to fill the vacancy of the late Hon. B. P. Glass, appeared, and took the oath as member of the House, the oath being administered by Hon. Hugh Merrill, Speaker of the House.

PRIVILEGES OF THE FLOOR.

Were extended to Hon. V. F. Kilborn of Mobile.

MESSAGE FROM THE SENATE.

Mr. Speaker :

I am instructed by the Senate to notify the House that the Senate has perfected its permanent organization and is ready for the transaction of business.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following Joint Resolution:

By Mr. Powell:

S. J. R. 85. Whereas, in the year 1921, the United States Government announced its intention to construct a government hospital for the care and treatment of disabled negro ex-service men, and showed a desire and intention to locate said hospital in the town of Tuskegee, Macon County, Alabama, because of certain local conditions existing there, which were thought to be most favorable to the proper functioning of such a hospital; and,

Whereas in line with that desire and intention, and for the purpose of overcoming a natural opposition on the part of the

white people of Tuskegee to such a hospital, which was undesirable for many good and sufficient reasons, all of which are apparent and well known to the people of Alabama, the Government sent to Tuskegee a representative who actively and diligently worked to overcome such opposition, and finally persuaded the people to permit said hospital to be constructed in their midst; and,

Whereas in accomplishing said purpose for which he was sent to said town, the said Government agent, under written authority that was not questioned by the people, represented and guaranteed that said hospital would be absolutely controlled, managed and operated by white men, trained and experienced in the control of shell-shocked and mentally weak ex-service men, and fully capable of handling them in such way as to prevent them from being a menace to the people of the community; further representing that said hospital would be controlled by men who were either of Southern birth and training, or who knew thoroughly and understood the problems confronting the Southern man in his dealings with the negro race, and who would be men that would preserve and maintain the control and supremacy of the white man as had been so firmly maintained in said town during the years gone by; and,

Whereas in trust and confidence, the people of said town, both white and black, accepted said guarantee; welcomed said hospital; donated lands, rights of way, etc., without cost to the Government, and co-operated in every way possible to the successful construction and opening of said hospital; and,

Whereas said hospital was constructed, completed and opened, and a white staff and personnel put in charge, in accordance with the original plans of the Government, it being distinctly understood that negro nurses only would be used in said hospital to care for said negro men. Before said hospital began to function, an element of negroes, with certain white allies, caused a halt in the proceedings, and insisted that the Government should turn said hospital over to negro officers, and put same under negro rule; and,

Whereas it has been announced officially that such might, or will be done, and that the pledge of the Government to the people of Tuskegee will be broken, and the faith of the people of Tuskegee in the Government destroyed, and their local conditions upset and disturbed,

Now therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that we, the Representatives of the people of Alabama, in Legislature assembled, do most solemnly protest against the now proposed plan of the Government as to placing a negro personnel in charge of the Government hospital at Tuskegee. We know that such will be disastrous in its effects, and that the result of such action will be to

destroy the confidence of a trusting people in the good faith and honesty of purpose of the Government officials; that it will arouse the suspicion of the white citizenship of the town as to the real desires and efforts of the negro officials at the Tuskegee Normal & Industrial Institute, and create a belief on the part of said citizenship that the negro officials at said Institute have not co-operated with the white people of the town to prevent such action on the part of the Government, but have either passively permitted same to be done, or actively assisted in having same done, in order that their race might receive certain temporary benefits therefrom.

Be it further resolved, That the action of the Government in putting a negro personnel in charge of the hospital at Tuskegee, welcomed by the people in good faith, and constructed on land donated under a pledge of the Government, as above set forth, would be an unwarranted attack by the Government on the peace, quietude and welfare of said town of Tuskegee, and an unjust and unauthorized destruction by the Government of the spirit of harmony between two races that have lived together, side by side, in mutual friendship and co-operation, and desire to continue so to live. That negro control of the hospital, under circumstances as set forth above, would be a curse to the ex-service men to whom the Government owes a debt of gratitude; a curse to the negro race in its injurious effects upon the Tuskegee Institute, which is of much more permanent benefit to that race than the hospital can possibly be, and a curse to the innocent white people of the town of Tuskegee, who, in accepting the Government's pledge, have brought upon themselves a condition that will jeopardize the lives of many, make the homes of the citizens less safe and secure, make their town less desirable as a place of residence, and to a large extent destroy the real happiness that they have experienced in the past in their home life and associations in the town of Tuskegee.

Be it further resolved, That a copy of this resolution be sent by the Secretary of the Senate to the President of the United States, and to General Frank T. Hines, Director of U. S. Veterans Bureau.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. No. 85 which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE GOVERNOR.

To the Members of the House of Representatives:

I am directed by the Governor to hand you herewith his message with regard to the financial affairs of the State.

Respectfully,

A. L. Tyson,

Private Secretary to the Governor.

July 10, 1923.

GOVERNOR'S MESSAGE.

To the Members of the House of Representatives:

I cannot intelligently deal with the various departments of State in a message until I know the approximate revenue of the State.

For the purpose of securing the most intelligent and economical administration of the financial affairs of the State, the law requires the Budget Commission to submit to the Legislature a well defined financial plan for the State. This report by law and of necessity is required to embrace an estimate of the amount of revenues that will be available for the ensuing quadrennium. The purpose of a budget is to prevent the expenditures of the State from exceeding its income. It is evident that neither the letter nor the spirit of this law can be complied with until the fate of existing revenue producing laws and the proposed revenue measures are definitely settled.

The Budget Commission has determined not to recommend any appropriations, regardless of the worthiness of the cause for which it is sought, unless it is evident that there will be sufficient income to meet the expenditure. It is therefore urged in the interest of intelligent action on appropriations, that the Legislature as quickly as possible definitely and finally pass on all matters which affect the revenue of the State.

For these reasons the report of the Budget Commission is deferred until a revenue system is defined by your body.

Respectfully submitted,

William W. Brandon,
Governor.

July 10, 1923.

The above message was read at length and ordered spread upon the Journal.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Tunstall:

H. J. R. 64. Resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet on Friday, July 13th, 1923, at 11 o'clock A. M.

The rules were suspended and the resolution was adopted.

By Mr. Fanning:

H. J. R. 65. Be it resolved by the House that the Senate be and it hereby is requested to return to the House for further consideration House bill No. 230.

The rules were suspended and the resolution was adopted.

By Mr. Allen:

H. R. 66. Whereas, the Great Ruler of the Universe, in His wisdom, has seen fit to remove by death Hon. Preston B. Glass, a member of this House,

Now, therefore, be it resolved by the House of Representatives of the State of Alabama,

1st. That the State has lost a faithful public servant and an honest, upright citizen:

2nd. That we extend our heartfelt sympathy to his family and pray that the Heavenly Father may comfort them:

3rd. That these resolutions be spread upon the Journal of the House and a copy properly certified by the Clerk of the House be mailed to his family and that a page of the Journal of the House be dedicated to his memory:

4th. That the House do now adjourn out of respect to the memory of Mr. Glass.

On motion of Mr. Allen the rules were suspended and the resolution was adopted by a rising vote of the House.

DEDICATED
TO
THE MEMORY OF
Hon. Preston B. Glass
OF MARENGO
COUNTY.

By Mr. Grove:

H. R. 66½. Whereas, since the recess of this House, the Hon. Robert E. Cunningham and the Hon. John J. Russell, Representatives from the county of Mobile, Alabama, have been forced to resign as members of this House on account of illness, and,

Whereas, the House has learned with sincere regret of this illness, and

Whereas, the House appreciates the services rendered by Messrs. Cunningham and Russell;

Now, therefore, be it resolved by the House, that the House extend to these gentlemen the hope for a speedy and complete recovery, and that a copy of this resolution be sent to Messrs. Cunningham and Russell by the Clerk of the House.

On motion of Mr. Grove the rules were suspended and the resolution was adopted by a rising vote of the House.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Adams (with notice and proof) :

H. 283. To prevent live stock from running at large in Blount county, Alabama.

Local Legislation.

Notice and proof H. 283:

The State of Alabama, {
Blount County. }

Before me, F. A. Hearn, a Notary Public in and for said State and County, personally appeared F. G. Stephens, who being by me duly sworn deposes and says that he is the editor and publisher of the Southern Democrat, a newspaper published in Blount County, Alabama, and that the above and foregoing advertisement did appear in said newspaper for three consecutive weeks, namely, in the issues of January 4th, January 11th and January 18th, 1923.

(Signed) F. G. Stephens.

Sworn to and subscribed before me this 13th day of February, 1923.

(Signed) F. A. Hearn,
Notary Public.

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced in the Legislature, substantially as follows:

A bill to be entitled an Act, to prohibit live stock from running at large in Blount County, Alabama.

Be it enacted by the Legislature of Alabama, that after the passage of this act, it shall be unlawful for any person, firm or corporation to knowingly permit his or its live stock or any live stock in his or its possession or under his or its control to run at large in Blount County, Alabama.

Be it further enacted, that any person, firm or corporation who know-

ingly permits his or its live stock or any live stock in his or its possession or under his or its control to run at large in Blount County, Alabama, shall be guilty of a misdemeanor, and upon conviction shall be fined not over One Hundred Dollars and may also be imprisoned in the County Jail of said county or sentenced to hard labor for said county for a period of not more than six months, one or both at the discretion of the court or jury trying the case.

Be it further enacted by the Legislature of Alabama that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

I hereby certify that the two above statements are true and correct copies of the original notice as it appeared in the Southern Democrat, and the certificate made by F. G. Stephens before F. A. Hearn, a Notary Public for the County of Blount.

Peter A. Brannon,
Notary Public, Montgomery County.

By Mr. Long:

H. 284. To amend an Act of the Legislature of Alabama approved August 12th, 1915 entitled "An Act to amend Section 2044 of the Code of 1907 of Alabama."

Pensions and Soldiers' Home.

By Mr. Long (with notice and proof):

H. 285. To prohibit the Court of County Commissioners of Butler County, Alabama, from issuing the bonds of Butler County as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

Local Legislation.

Notice and proof H. 285:

Greenville, Alabama, June 4, 1923.

Notice is hereby given that a bill will be introduced in the Alabama Legislature at its adjourned session which begins July 10th, the caption of which reads as follows:

A bill to be entitled an Act to prohibit the Court of County Commissioners of Butler County, Alabama, from issuing the bonds of Butler County as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

State of Alabama, }
Butler County. }

Before me, J. H. Steiner, a Notary Public in and for said State and County, personally came F. W. Stanley, who being by me duly sworn says on oath that he is editor of the Greenville Advocate, a newspaper published in the County of Butler, State of Alabama, and that the above and foregoing notice was published in said newspaper once a week for four consecutive weeks in the issues of said paper bearing date of June 6th, 13th, 20th, and 27th, 1923, without cost to the State.

F. W. Stanley.

Sworn and subscribed before me this 6th day of July, 1923.

(Seal) J. H. Steiner,
Notary Public.

By Mr. Long (with notice and proof):

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of pay-

ment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Local Legislation.

Notice and proof H. 286:

Greenville, Alabama, June 4, 1923.

Notice is hereby given that a bill will be introduced in the Alabama Legislature at its adjourned session which begins July 10th, the caption of which reads as follows:

A bill to be entitled an Act to provide for the election of a county superintendent of Education of Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

State of Alabama, }
Butler County. }

Before me, J. H. Steiner, a Notary Public in and for said State and County, personally came F. W. Stanley, who being by me duly sworn says on oath that he is editor of the Greenville Advocate, a newspaper published in the County of Butler, State of Alabama, and that the above and foregoing notice was published in said newspaper once a week for four consecutive weeks in the issues of said paper bearing date of June 6th, 13th, 20th, and 27th, 1923, without cost to the State.

F. W. Stanley.

Sworn and subscribed before me this 6th day of July, 1923.

(Seal) J. H. Steiner,
Notary Public.

By Mr. Burton:

H. 287. To fix compensation or salaries to be paid the Judge of Probate, Tax Collector and Tax Assessor of the several counties of the State, to regulate the payment of the same; to provide for the selection of clerical and other assistants to said officers, and the manner of fixing the compensation and paying the same, and provide rules and regulations for the conduct and operations of such officers made necessary by changing the method and basis of compensation of said officers, and to prescribe when said Act shall go into effect.

Judiciary.

By Mr. Smith of Clay:

H. 288. To repeal an act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

Revision of Laws.

By Mr. Sessions (By request):

H. 289. To regulate the occupation of a barber in certain cities within the State of Alabama, and to provide for the registering and licensing of persons to carry on such practice, and

to insure the proper sanitary conditions in Barber Shops, and prevent the spreading of disease in the State of Alabama, to establish a Board of Barber Examiners, to carry out the purpose of this Act. To make any penal violations of the terms of this Act, and to prescribe punishment therefor and for other purposes."

Public Health.

By Mr. Deloney :

H. 290. To amend Sections 8 and 11 of an Act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of Jury Commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all the courts of this State," approved August 31, 1909.

Judiciary.

Br. Mr. Henley :

H. 291. To amend Sections three and four of an Act entitled, "An Act to provide for the general revenue of the State of Alabama" as said sections appear on page 284 of the General Acts of 1919.

Ways, Means and Appropriations.

By Mr. Thompson of Etowah (with notice and proof) :

H. 292. To require all fines and forfeitures imposed by any court in Etowah County upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the County, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said County and fix penalties for the violation of the Act.

Local Legislation.

Notice and proof H. 292 :

NOTICE.

Notice is hereby given that a local act applying to Etowah county only will be introduced for passage by the Legislature of Alabama at the adjourned session in July, 1923, which will require all fines imposed by any court of Etowah county upon conviction of any defendant for the violation of any State law and all forfeitures made final shall be paid in cash and within ten days from the time of collection to be turned over to the depository of the county funds to the credit of the fine and forfeiture fund of the county.

To require all certificates evidencing claims against the fine and forfeiture fund of the county to be registered separately from claims registered against said fund prior to passage of the act and be plainly marked "New Series," and otherwise registered as such claims have been heretofore registered, and to provide for the indorsement of certificates evidencing claims against said fund by the officer issuing the same, to limit the time within which such certificates shall be indorsed and registered,

and to provide that seventy-five per cent of all money then or thereafter deposited to the credit of the fine and forfeiture fund of the county be set apart and paid to the holders of registered claims of the new series in the order of their registration including claims registered under the act approved August 16, 1919, and the other twenty-five per cent be paid to the holders of certificates registered against said fund prior to August 16, 1919; to provide for the cancellation of claims against said fund when paid, and for the auditing of the fine and forfeiture funds account by the court of county commissioners, and to authorize any surplus in said funds to be appropriated to the road fund of the county; to require any cost collected after claims therefor have been registered against the fine and forfeiture fund to be paid over to the county depository to the credit of this fund, and to provide penalties for the violation of the order and the repeal of all laws in conflict, and to provide that the act shall take effect immediately upon its passage and approval.

W. F. Jeffers.

PROOF OF PUBLICATION.

State of Alabama, }
Etowah County. }

Personally appeared before me, O. B. Roper, a Notary Public in and for said county, A. W. McCouch, publisher of the Gadsden Evening Journal, a newspaper published at Gadsden in said county, who, being first duly sworn, states that the annexed publication has been regularly made in said newspaper once a week for four consecutive weeks.

A. W. McCouch.

Sworn to and subscribed before me this 29th day of May, 1923.

O. B. Roper,
Notary Public.

By Mr. Ashcraft of Lauderdale (By request):

H. 293. To amend Section 6659 of the Code of 1907.

Claims and Fees.

By Mr. Tunstall:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Ways, Means and Appropriations.

By Mr. Coleman:

H. 295. To abolish the present Jury Commissions in the State of Alabama and to establish in lieu thereof a Commission composed of the Probate Judge, the Clerk of the Circuit Court and the Sheriff of each county in the State of Alabama.

Judiciary.

By Mr. Grove:

H. 296. To provide for the establishment of titles to real estate by a proceeding in rem.

Judiciary.

By Mr. Grove (with notice and proof):

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile County and to prescribe his duties," approved February 24, 1887, as amended by act approved February 11, 1893, and as amended by act approved August 2nd, 1907.

Local Legislation.

Notice and proof H. 297:

TO WHOM IT MAY CONCERN.

Notice is hereby given that at the adjourned session of the Legislature of the State of Alabama, to be held in the City of Montgomery, Alabama, commencing on July 10, 1923, a bill will be introduced to amend the local legislation which provides for the joint election and pay, by the Board of Revenue and Road Commissioners of Mobile County, and the Board of School Commissioners of Mobile County, of a revenue constable for Mobile County; such amendment to strike out those portions of the said existing legislation which requires the said Board of School Commissioners to take part in the election and pay of the said revenue constable; to provide that the salary of the said revenue constable shall be such sum as the Board of Revenue and Road Commissioners may fix, not in excess of one hundred and twenty-five dollars per month; and to strike out, from the enumeration of the constable's duties, State and school licenses; so that under the law, as thus amended, the Board of School Commissioners of Mobile County will not be required either to join in the election of a revenue constable or pay any part of his compensation; the salary of the said revenue constable will be discretionary with the Board of Revenue and Road Commissioners with a maximum limit; and his duties will include the enforcement of county licenses only.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and County, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is Auditor of The Mobile Register, Inc., publishers of The Mobile Register, a newspaper published in said state and county; and that the attached notice of intention to introduce a bill to amend the Mobile County Revenue Constable law was published once a week for four consecutive weeks in the said Mobile Register, to-wit: June 12th, 18th, 25th, July 2nd, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 9th day of July, 1923.

(Seal) Nettie Chandler,
Notary Public, Mobile County, Alabama.

By Mr. Blackwell (with notice and proof):

H. 298. To amend Section 15 of an Act approved September 25th, 1915 to establish a Board of Revenue for Monroe County, Alabama, and prescribing for the members thereof all the duties of the Court of County Commissioners of said County; to provide for the appointment and fix the term of office of the members of said Board of Revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Local Legislation.

Notice and proof H. 298:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend Section 15 of the Local Acts of 1915, page 398, providing for the establishment of a Board of Revenue for Monroe County and the election of its members so as to change the manner and time of electing members of the Board of Revenue of Monroe County, Alabama, so that the members of said Board shall be nominated and elected by the voters of their respective districts, instead of by the voters of the county as a whole, and further so as to provide that the members of said Board elected from districts one and three at the general election in 1924 shall be elected for a term of two years, and that the members elected at said election from districts two and four shall be elected for a term of four years.

This the 11th day of January, 1923.

W. R. Blackwell,
Member Legislature, Monroe County.

PROOF OF PUBLICATION.

I, Q. Salter, Editor and owner of Monroe Journal, a weekly newspaper published at Monroeville, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit: January 11th, 1923, to January 18th, 1923; January 25th, 1923, to February 1st, 1923.

Q. Salter,

Editor and Owner, Monroe Journal.

Subscribed and sworn to before me this 3rd day of July, 1923.

J. F. McCorvey,

Notary Public, Monroe County, Ala.

By Mr. Luck:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Judiciary.

By Mr. Embry (with notice and proof):

H. 300. To detach election Precinct number nine (9) in St. Clair County, known as Ragland election precinct from the Northern Judicial Division of said County, and attach the same to make it a part of the Southern Judicial Division of St. Clair County, and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, on the Circuit Court in Equity, Chancery Court, Probate Court, County Court and Commissioners Court of the Southern Judicial Division of said County, with place of holding Court at the Court House of said County at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the Northern Judicial Division of said St. Clair County.

Local Legislation.

Notice and proof H. 300:

AN ACT.

Notice is given that the following bill will be introduced at the July Session of the Legislature of Alabama:

To detach election precinct number nine (9) in St. Clair county, known as Ragland election precinct from the Northern Judicial Division of said county and attach the same to make it a part of the Southern Judicial Division of St. Clair county, and to confer jurisdiction with the right to hear and try all matters and causes, civil and criminal, arising in said election precinct, on the circuit court in equity, chancery court, probate court, county court and commissioners court of the Southern Judicial Division of said county, with place of holding court at the court house of said county at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the northern judicial division of said St. Clair county.

Pell City, Ala., July 7, 1923.

I hereby certify that the notice of an act to detach election precinct number nine (9) in St. Clair county, Alabama, known as Ragland election precinct, from the Northern Judicial Division of said county, and attach the same to make it a part of the Southern Judicial Division of St. Clair county, was published in the Pell City News, a newspaper published at Pell City, St. Clair county, Alabama, four consecutive weeks on the following dates: June 13-20-27, July 4th, 1923, a clipping of which is hereto attached.

F. W. White,
Publisher.

Sworn to and subscribed before me this the 7th day of July, 1923.
(Seal)

Frank B. Emory,
Notary Public.

By Mr. L. K. Bowen:

H. 301. To provide for the appointment of county Registrars, and the registration of electors in each county in the State of Alabama; to fix the compensation and prescribe the duties of the registrars.

Privileges and Elections.

By Mr. Howard (with notice and proof):

H. 302. To alter and re-arrange the boundary lines of the City of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Education.

Notice and proof H. 302:

NOTICE.

Notice of the intention to introduce in the Legislature of Alabama and have enacted as a local law a bill to alter and re-arrange the boundary lines of the City of Sylacauga, Alabama.

Notice is hereby given, as provided by Section 106 of the Constitution of 1901, that a bill will be introduced into the Legislature of Alabama at the adjourned meeting of such Legislature to be held on, to-wit, the 10th day of July, 1923, and that the intention to apply for the enactment of such law is hereby given, and such bill shall be substantially as follows, to-wit:

A bill to be entitled an Act to alter and re-arrange the boundary lines of the City of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Sylacauga, in the County of Talladega, State of Alabama, be altered and re-arranged so that the City of Sylacauga shall include in its corporate limits the territory described as follows, to-wit: The Southeast quarter of the Southeast quarter of Section Twenty, Township Twenty-one, Range Four, East, Southwest quarter of the Southwest quarter of Section Twenty-one, Township Twenty-one, Range Four, East, West half of the West half of Section Twenty-eight, Township Twenty-one, Range Four, East, and all of Section Twenty-nine, Township Twenty-one, Range Four, East, the Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of Section 30, Township 21, Range 4, East, the East half of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 31, Township 21, Range 4, East, the North half and the North half of the South half of Section 32, Township 21, Range 4, East, the West half of the Northwest quarter, the Northwest quarter of the Northwest quarter of Section 33, Township 21, Range 4, East, provided of such above described territory there is excepted and excluded therefrom the following portion of said Section 29, Township 21, Range 4, East, to-wit:

Beginning at the Northwest corner of said Section 29 and being the Northwest corner of said present corporate limits of the City of Sylacauga and running in a Southeasterly direction along the Northern or Eastern side of the right-of-way of the Central of Georgia Railroad until it reaches the quarter section line which divides the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ and the S W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29, thence in an Easterly direction to the Southeast corner of the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29, thence North along the West side of the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29 to within 250 feet of the North section line of Section 29, thence East 660 feet parallel with the North section line of Section 29, thence North 250 feet to the section line, also all that portion of the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29 laying North and West of the railroad together with all of Blocks 129, 130, and 131, according to the original map and plan of the Marble City Land and Furnace Company of the town of Sylacauga on record in the office of the Judge of Probate in Talladega County, Alabama, in Plat book 1, page 34.

Section 2. This said Act shall take effect from its passage and approval by the Governor.

State of Alabama, }
Talladega County. }

Before me, C. C. Crawford, a Notary Public in and for said State and County, personally appeared W. A. Moody, who being duly sworn according to law deposes and says: That he is the publisher of the Sylacauga Advance, a newspaper published in Talladega County, Alabama, and that he has knowledge of the fact and therefore deposes and says as a fact that there was published in said Sylacauga Advance without cost to the State and in the County where the matter to be affected was situated a notice of the intention to introduce and have enacted a local law to alter and re-arrange the boundary lines of the City of Sylacauga, Alabama, a copy of which publication so made is hereto attached and made part of this affidavit, and that said publication in such paper was made once a week for four consecutive weeks prior to this time, the same having been made in

the publication of the issues of, to-wit, May 16, 1923, May 23, 1923, May 30, 1923, and June 6, 1923.

Subscribed and sworn to before me this, the 9th day of June, 1923.
 (Seal) C. C. Crawford,
 Notary Public.

My commission expires January 19, 1927.

By Mr. Gaines (with notice and proof) :

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston County, Alabama.

Local Legislation.

Notice and proof H. 303 :

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to pass a bill, which shall be substantially as follows:

A BILL

To be entitled an Act to alter or re-arrange the boundaries of the City of Dothan, Houston County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1—That the boundaries of the City of Dothan, in the County of Houston, State of Alabama, be and the same are hereby altered or re-arranged so as to include within the corporate limits of the City of Dothan all of the territory lying within the County of Houston included within the boundaries hereinafter set out, to-wit:

Beginning at the N. W. corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 11, Tp. 3, N. R. 26 E; thence running east along the land line on the N. side of the S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 11, Tp. 3, N. R. 26 E., and the continuation of said land line to the Northeast corner of the Southeast $\frac{1}{4}$ or Southeast $\frac{1}{4}$, Section 7, Tp. 3, N. R. 27 E; thence South along the section line between Sections 7 and 8 in Tp. 3, N. R. 27, and the continuation of said section line to the Southeast corner of the Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 30, Tp. 3, N. R. 27 E; thence West along the South land line of the N $\frac{1}{2}$ of S $\frac{1}{2}$, Section 30, Tp. 3, N. R. 27 E., and the continuation of said land line to the Northeast corner of the Southeast $\frac{1}{4}$, Section 25, Tp. 3, N. R. 26 E; thence South along the land line of the East side of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 25, Tp. 3, N. R. 26 E., to the Southeast corner of said Forty; thence West along the section line between Section 25 and 36, Tp. 3, R. 26, to the Northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 36, Tp. 3, R. 26; thence South along the East boundary line of said Forty to the Southeast corner of said Forty; thence West along the land line on the South side of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 36, to the Southwest corner of the Northwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ Section 36, Tp. 3, N. R. 26 E; thence North along the section line between Sections 35 and 36 in Tp. 3, N. R. 26 E to the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 25, Tp. 3, N. R. 26 E; thence West along the South boundary line of the North $\frac{1}{2}$ of South $\frac{1}{2}$ Section 26, Tp. 3, N. R. 26 E, to the Southwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ Section 26, Tp. 3, N. R. 26 E; thence North along the section line between Sections 26 and 27, Tp. 3, N. R. 26 E, and the continuation of said line to the Southeast corner of the Northeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$, Section 22, Tp. 3, N. R. 26 E; thence West along South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Section 22, Tp. 3, N. R. 26 E; to the Southwest corner of the Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 22, Tp. 3, N. R. 26 E; thence North along the West boundary line of the Northwest $\frac{1}{4}$ of North-

east $\frac{1}{4}$, Section 22, Tp. 3, N. R. 26 E, and the continuation of said land line to the Northwest corner of Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 15, Tp. 3, N. R. 26 E; thence East along the North boundary line of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 15, Tp. 3, N. R. 26 E, to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 15, Tp. 3, N. R. 26 E; thence North along the section lines between Sections 14 and 15 and 10 and 11, Tp. 3, N. R. 26 E, to the starting point.

Section 2—That the corporate limits of said City of Dothan shall hereafter embrace and include the territory described in Section 1 hereof.
W. E. Cannady.

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public, in and for said County in said State, personally appeared W. T. Hall, who being by me duly sworn, deposes and says: That he is Editor and Proprietor of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and has personal knowledge of the facts stated herein and knows the same to be true; that the foregoing notice hereto attached was published in The Dothan Eagle for four consecutive weeks prior to the date hereof, without cost to the State of Alabama; that said notice was published in said newspaper on the following dates, to-wit: June 1st, 1923, June 8, 1923, June 15, 1923, and June 22, 1923.

W. T. Hall,

Editor and Proprietor of The Dothan Eagle.

Sworn to and subscribed before me this the 23rd day of June, 1923.

W. C. Batchelor,
Notary Public.

By Mr. Adams (with notice and proof) :

H. 304. To provide for the election of a County Treasurer for Blount County, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Local Legislation.

Notice and proof H. 304:

NOTICE.

To whom it may concern:

The State of Alabama, }
Blount County. }

Notice is hereby given that a bill will be introduced at the next sitting of the Legislature of the State of Alabama, when it reconvenes in July, 1923, providing for the election of a County Treasurer in and for the County of Blount in said State at the regular or general election to be held in said county in the year 1924, the said treasurer to be elected for a term of four years, and until his successor is elected and qualified.

That the salary of the said treasurer shall not exceed the sum of \$800.00 per annum, and shall be fixed by the Court of County Commissioners of said county, and approved by the Judge of Probate of said county, and that he shall give bond in and to a sum and conditioned as now required by law.

Done at Oneonta, Alabama, this 4th day of April, 1923.

W. Y. Adams.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the

Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of intention to introduce a bill in the Legislature of Alabama providing for the election of a County Treasurer of Blount County, was published for three consecutive weeks in said newspaper, commencing on the 12th day of April, 1923, and ending on the 26th day of April, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 5th day of July, 1923.

(Seal) F. A. Hearn,
Register.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted :

H. J. R. 64. Relative to adjournment of the two Houses until Friday, July 13th, 1923, at 11:00 o'clock A. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in H. R. 65, requesting the return to the House of

H. 230. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners with regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

And said bill is herewith returned to the House.

J. E. Speight,
Secretary.

ADJOURNMENT.

Under a resolution heretofore adopted, the House adjourned until 11 o'clock Friday, July 13th.

EIGHTEENTH DAY.

House of Representatives,
Friday, July 13th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Adams of the House.

ROLL CALL.

An a call of the roll of the House, the following members answered to their names:

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	St. John
Adams	Fanning	Kilpatrick	Sanders (Conecuh)
Adcock	Ferrell	Lee	Sanders (Pike)
Allen	Fite	LeMaistre	Sessions
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Fayette)	Gaines	Long	Smith (Jefferson)
Ashcraft (Lauderd'e)	Glenn	Love	Smith (Lee)
Bealle	Glover	Luck	Snodgrass
Blackwell	Goode	Melton	Sollie
Bowen, Lewis	Goodwyn	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Graves	Moorer	Stewart (Calhoun)
Boykin	Grove	Moxley	Thompson (Etowah)
Burns	Guy	Nichols	Thompson (Jackson)
Burton	Hall	Norman	Tiller
Byars	Hampton	Odom	Tunstall
Calloway	Hatter	Parker	Varner
Cato	Hawkins	Patterson	Walker
Christian	Henley	Pickens	Wall
Coleman	Henson	Poole	Walton
Cook	Hodgson	Posey	Ware
Culver	Hornsby	Powell	Mrs. Wilkins
Dickinson	Howard	Ringer	Williams
Dowdle	Howze	Rives	Wyatt
Dunwoody	Hubbard	Rountree	Young
Elliott	Jeter	Rutherford	

—99

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Seventeenth Legislative Day and find same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Seventeenth Day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Deloney and Mr. McDaniel for today.

RESOLUTION.

The following resolution was introduced:

By Mr. Long:

H. J. R. 67. Resolved by the House, the Senate concurring, that it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

And the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. J. R. 85. Relative to protesting against placing negro officials in charge of Government hospital at Tuskegee, Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Speaker of the House, in the presence of the House, signed the resolution, the title to which is set out in the above and foregoing Senate message.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions, and sends same herewith to the House:

By Mr. Ellis:

S. J. R. 91. Whereas, the "Governor's Mansion" is in need of repairs, which should be made without delay. Therefore, be it resolved by the Senate, the House concurring, that a Joint Committee be selected; two to be appointed by the President of the Senate, and three by the Speaker of the House, whose duty it shall be to visit the "Mansion," inspect the same, and investigate what repairs are needed, and to prepare a bill to be introduced in the Legislature appropriating a sufficient sum of money with which to make the needed repairs, under the direction of the Joint Committee hereby raised.

Also by the Rules Committee:

S. J. R. 92. Be it resolved by the Senate, the House concurring, that when the two houses adjourn today they reconvene on next Tuesday at 2 P. M. Second, be it resolved further that thereafter the Legislature shall convene on Monday of each week and remain in session until Friday.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. 91, was read one time and referred to the Standing Committee on Rules.

And the House concurred in and adopted S. J. R. 92.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. Hodgson (with notice and proof):

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin County.

Local Legislation.

Notice and proof H. 305:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at its session beginning on or about January 9th, 1923, to repeal an act of the General Assembly of Alabama approved February 9th, 1901, entitled "An Act" To better provide for working the public roads in the Counties of Baldwin, Escambia, and Monroe.

Charles Hall,

Attorney for Court of County Commissioners, Baldwin County.

State of Alabama, }
Baldwin County. }

R. B. Vail, being duly sworn, deposes and says that he is the owner of The Baldwin Times, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Road Act Repeal Notice was published in said newspaper for four consecutive weeks in the following issues: Date of first publication, December 14, 1922, Vol. 33, No. 44; date of second publication, December 21, 1922, Vol. 33, No. 45; date of third publication, December 28, 1922, Vol. 33, No. 46; date of fourth publication, January 4, 1923, Vol. 33, No. 47.

R. B. Vail,
Owner.

Subscribed and sworn to before the undersigned this 31st day of January, 1923.

(Seal)

Cornelia Hall,
Notary Public, Baldwin County, Alabama.

By Mr. Adams (with notice and proof) :

H. 306. To provide for the election of a County Superintendent of Education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Local Legislation.

Notice and proof H. 306:

NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE FOR
THE PASSAGE OF A LOCAL LAW.

The substance of such law being:

1. To provide for the election of a County Superintendent of Education for Blount county, Alabama, by the qualified electors thereof at the general election for the year 1924, and every four years thereafter.

2. To fix the term of office for four years, beginning the first Monday in July next succeeding the election and to hold until a successor is elected and qualified.

3. To prescribe the qualifications of the Superintendent of Education of Blount County, who must be a qualified elector of the County, a graduate of a standard normal school or other institution of learning of equal dignity and must hold a first grade teacher's certificate and had at least three years successful teaching experience.

4. To require such Superintendent to take an official oath and give an official bond, to provide for the fixing of such bond and the recordation and approval thereof.

5. To require the Superintendent of Education to devote his entire time to public schools and prescribe his compensation and duties.

This 2nd day of January, 1923.

W. Y. Adams.

State of Alabama, }
Blount County. }

Before me, F. A. Hearn, a Notary Public, in and for said State and County, personally appeared F. P. Stephen, who being by me duly sworn deposes and says that he is the editor and publisher of the Southern Democrat, a newspaper published in Blount County, Alabama, and that the above and foregoing advertisement did appear in said newspaper for three consecutive weeks, namely, in the issues of January 11th, January 18th, and January 25th, 1923.

F. G. Stephen.

Sworn to and subscribed before me this 13th day of February, 1923.

F. A. Hearn,
Notary Public.

By Mr. Merrill:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Judiciary.

By Mr. Merrill:

H. 308. To adopt a Code of Laws for the State of Alabama.

Judiciary.

By Mr. Smith of Clay:

H. 309. To further regulate the descent and distribution of real, personal and mixed property in the State of Alabama.

Judiciary.

By Mr. St. John (with notice and proof) :

H. 310. To provide for the election of a County Superintendent of Education of Cullman County, Alabama, by the qualified electors of said county, and prescribe his duties and qualifications and to fix his salary.

Local Legislation.

Notice and proof H. 310:

NOTICE.

The State of Alabama, Cullman County:

Pursuant to the requirements of the Constitution of the State of Alabama, notice is hereby given that the following bill will be introduced in the next session of the Legislature of Alabama, to-wit:

A bill to be entitled an Act to provide for the election of a County Superintendent of Education of Cullman County, Alabama, by the qualified electors of said County, and prescribe his duties and qualifications, and to fix his salary.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be elected at the general election in the State of Alabama in 1924, and every two years thereafter, a County Superintendent of Education for Cullman County, Alabama, by the qualified electors of said county, and who shall hold office for a term of two years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified and who shall at the time of his election be a qualified elector of said County, and shall have had at least three years experience in teaching school in the State of Alabama, and shall hold at least a second grade certificate to teach school in said State, and who shall perform the same duties as are now, or hereafter may be required by law of County Superintendents of Education in said State.

Section 2. That within fifteen days after the declaration of the result of the election by the Board of Canvassers of said County, said County Superintendent of Education shall qualify by taking the oath of office required by the Constitution of said State, and shall give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in the State of Alabama, to be approved by the Judge of Probate of said County, and shall be filed and recorded in said Probate Office, and shall be conditioned upon the faithful performance of the duties of the office, and for the accounting and paying over to the proper authority of all monies coming into his hands by virtue of his office. A copy of said bond, duly certified by the Judge of Probate, shall be filed in the office of the State Board of Education.

Section 3. That said County Superintendent of Education shall receive a salary of eighteen hundred dollars per year payable as now required by law for the payment of salaries of County Superintendents of Education in said State.

Section 4. That said County Superintendent of Education, in addition to the duties hereinabove prescribed, shall also be Ex-Officio School Attendance Officer of said County, and shall perform the duties of School Attendance Officer.

Section 5. That within twenty days after the approval of this Act the County Board of Education of said County shall by a majority vote elect a County Superintendent of Education of said County, who shall hold office until the general election in 1924, or until his successor is elected and quali-

fied, and who shall perform the same duties and receive the same salary and possess the same qualifications as hereinbefore provided.

Section 6. That all laws and parts of laws, general and local, in conflict with any of the provisions of this act, are hereby repealed and abolished in so far as the same relates to Cullman county.

F. E. St. John.

The State of Alabama, }
Cullman County. }

Before me, F. E. St. John, a Notary Public in and for said County and State, personally appeared J. C. Norwood, Publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of said newspaper of the following dates, viz: December 28, 1922, January 1-8-15, 1923.

J. C. Norwood.
Publisher.

Sworn to and subscribed before me this the 6th day of July, 1923.

F. E. St. John,
Notary Public.

By Mr. St. John (with notice and proof):

H. 311. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

Local Legislation.

Notice and proof H. 311:

NOTICE.

Notice is hereby given that the following bill will be introduced at the present session of the Legislature of Alabama:

AN ACT

To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

Section 1. Be it enacted by the General Assembly of Alabama, that justices of the peace and notaries public who are ex-officio justices of the peace in and for precinct No. 3 in Cullman County, Alabama, shall have and may exercise jurisdiction in all civil cases, except in public cases of libel, slander, assault and battery, and ejectment, within the limits of said county of Cullman, to an amount not exceeding one hundred dollars.

Section 2. Be it further enacted, That the constable of said precinct may execute all process issuing from the courts of such justices of the peace and notaries public with ex-officio powers, and for the execution of all such process outside of precinct No. 3, they shall be entitled to the same fees as are by law allowed to sheriffs for like services.

Section 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

A. A. Self.

The State of Alabama, }
Cullman Alabama. }

Before me, E. A. Schwarz, a Notary Public, in and for said County and State, personally appeared Mrs. J. R. Rosson, publisher of The Cullman

Democrat, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for three successive weeks and being in the issues of the said newspaper of the following dates, viz: January 1st, 8th, 15th, 1923.

Mrs. J. R. Rosson,
Publisher.

Sworn to and subscribed before me this the 5th day of July, 1923.
(Seal)

E. A. Schwarz,
Notary Public.

By Mrs. Wilkins:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

Public Health.

By Mrs. Wilkins:

H. 313. To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

Public Health.

By Mrs. Wilkins:

H. 314. To define maternity hospitals and to provide for the licensing, regulation and supervision of such hospitals.

Public Health.

By Mr. Young:

H. 315. To amend Section 1 of Article 12 of an act of the Legislature, entitled "An act to provide a complete educational system for the State of Alabama," approved September 26, 1919, which act is known as the School Code of Alabama, recorded in General Acts of Alabama, 1919, pp. 567-578, inclusive.

Education.

By Mr. Thompson of Etowah:

H. 316. To give either party in a criminal or civil case where the same has been tried by a Judge without a jury and repealed to the Court of Appeals or Supreme Court and reversed the right to demand a trial by jury.

Revision of Laws.

By Mr. Williams:

H. 317. To abolish the Board of Registers of the several Counties of Alabama, and to provide for the performance of the duties of said board by the several Judges of Probate of the several counties of Alabama, and to further regulate the Registration of Electors.

Revision of Laws.

By Mr. Williams:

H. 318. To amend Section 6733 of the 1907 Code of Alabama.

Judiciary.

By Mr. Williams:

H. 319. To amend Section 7814 of the Code of Alabama, 1907.

Revision of Laws.

By Mr. Tunstall:

H. 320. To prescribe and fix the license or privilege tax to be paid by certain persons, firms, companies, corporations or associations engaged in business or in certain kinds or classes of business; to fix a penalty for doing such business without a license, and to provide for the enforcement thereof; and to further provide for the general revenues of the State of Alabama.

Ways, Means and Appropriations.

By Mr. Tunstall:

H. 321. Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, tailers, semi-tailers used on the public highways of Alabama, and for a registration or license fee therefor.

Ways, Means and Appropriations.

By Mr. Snodgrass:

H. 322. To amend Sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act, to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920.

Military.

By Mr. Jeter:

H. 323. To require all persons, firms, corporations and companies using or issuing coupons, script, punchouts, commissary checks, credit books, credit slips, cards, store orders or other evidence of indebtedness to pay laborers and employees for labor or evidence as amount due or to become due to laborers or em-

ployees or otherwise, in counties of two hundred and fifty thousand population or over according to the last Federal census or any subsequent Federal census, to redeem them at face value in good and lawful money of the United States in the hands of their employees, laborers or bona fide holders for value and provide legal remedy for collection of same in favor of said laborers, employees and bona fide holder for value and to prohibit the purchase or acquiring of such coupons, scripts, credit books, credit slips, cards, punchouts, commissary checks, store orders in such counties, by any person, firm, corporation or company at a discount or for less than the face value and provide a penalty for the violation of any provisions of this act.

Judiciary.

By Mr. L. K. Bowen:

H. 324. To provide for the appointment of County Health Officers in Counties of one hundred and fifty thousand population or more according to the last Federal census or which may hereafter have such population, to fix their salaries, define their duties and to provide necessary assistants to said Health Officers.

Public Health.

By Mr. Smith of Jefferson (By request):

H. 325. To amend an Act entitled "An Act fixing the fees of solicitors for convictions for the illegal manufacture of spiritous, vinous or malt liquors, or intoxicating drinks," approved March 17, 1915.

Revision of Laws.

By Mr. Smith of Jefferson (By request):

H. 326. To amend Section 1 of an act entitled "An act to prescribe the amount of solicitor's fees in cases of convictions for carrying concealed a pistol about the person, or on premises not his own or under his control," approved September 30, 1919.

Revision of Laws.

By Mr. Rives:

H. 327. To make it unlawful for any person, firm or corporation, with intent to defraud, to make or draw or utter or deliver any check, draft or order for the payment of money, and to receive thereon or therefor money or anything of value, when the drawer or maker of such check, draft or order for the payment of money has not sufficient funds in or credit with the bank or trust company or other depository upon which the same is drawn and to make the drawing, uttering or delivering of such checks or draft or order for the payment of money under such circumstances prima facie evidence of such fraudulent intent and to provide for the punishment for the violation of this act, and to provide for the giving of notice by the payee of such

check or draft or unpaid check or draft to the solicitor of the county wherein the said check or draft or order for the payment of money is given or uttered, and to provide for the prosecution of the person, firm or corporation making or uttering said draft or check or order for the payment of money by the solicitor of the county wherein said check or draft or order for the payment of money was given or uttered upon the receipt by him of such notice.

Judiciary.

By Mr. Lewis Bowen :

H. 328. To amend Section 1 of Article 5, and Section 25 of Article 8 and Section 19 of Article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment, including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the

use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic

Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Education.

By Mr. Smith of Jefferson (By request):

H. 329. To amend an Act entitled "An Act to further suppress the evils of intemperance, to prohibit the manufacture, sale, giving away, or having in possession any still, apparatus, appliance, or any device or substitute therefor to be used in the manufacture of prohibited liquors and beverages," approved September 30, 1919.

Temperance.

BILLS ON SECOND READING.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Mr. St. John, Acting Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 298. To amend Section 15 of an Act approved September 25th, 1915, to establish a Board of Revenue for Monroe County, Alabama, and prescribing for the members thereof all the duties of the Court of County Commissioners of said County; to provide for the appointment and fix the term of office of the members of said Board of Revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

H. 292. To require all fines and forfeitures imposed by any court in Etowah County upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the County, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said County and fix penalties for the violation of the Act.

H. 304. To provide for the election of a County Treasurer for Blount County, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile County and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama;

to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

H. 300. To detach election Precinct number nine (9) in St. Clair County, known as Ragland election precinct from the Northern Judicial Division of said County, and attach the same to make it a part of the Southern Judicial Division of St. Clair County, and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, on the Circuit Court in Equity, Chancery Court, Probate Court, County Court and Commissioners Court of the Southern Judicial Division of said County, with place of holding Court at the Court House of said County at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a party of the Northern Judicial Division of said St. Clair County.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with an adverse report:

H. 86. To regulate traffic at all railroad crossings in Alabama, and to provide penalties for violations thereof.

Mr. St. John, Acting Chairman of the Standing Committee on Judiciary, reported that said Committee, in session had acted upon the following bills and ordered same returned to the House with an adverse report:

S. 133. To authorize the increase of the Capital Stock or shares of building and Loan Associations organized under the laws of this State.

S. 138. To prohibit the operation for hire or reward of pool tables, pin pool tables, billiard tables, or tables on which games of like kind are played in the State of Alabama, and to provide for the enforcement thereof.

H. 248. To abolish the office of Jury Commission in the several counties of Alabama, and to provide for the discharge of all duties heretofore imposed upon jury commissioners by

Court of County Commissioners, Boards of Revenue, or other body of like jurisdiction, in the several Counties of the State.

H. 290. To amend Sections 8 and 11 of an Act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of Jury Commissioners and Clerks of such commissions and regulate the empanelling of grand and petit juries in all the courts of this State," approved August 31, 1909.

H. 295. To abolish the present Jury Commissions in the State of Alabama and to establish in lieu thereof a Commission composed of the Probate Judge, the Clerk of the Circuit Court and the sheriff of each county in the State of Alabama.

MESSAGE FROM THE GOVERNOR.

To the members of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning the Harbor and Seaport Amendment to the Constitution of Alabama.

Respectfully,

A. L. Tyson,

Private Secretary to the Governor.

July 13th, 1923.

MESSAGE FROM THE GOVERNOR.

To the members of the Senate and House of Representatives:

I herewith submit to you copies of questions which I, as Governor, propounded to the Justices of the Supreme Court of Alabama under and by virtue of the Act passed at this session of the Legislature approved February 13, 1923, which Act provided for obtaining the opinion of the Justices of the Supreme Court or a majority thereof. I also submit to you copies of the responses and answers of a majority of the Justices of the Supreme Court to the questions so propounded to them; also, copies of the declination of a minority of the Justices of the Supreme Court, with their reasons and opinions for declining to answer the questions propounded, the minority of the Justices being of the opinion that the Act authorizing the obtaining of their opinions on such questions is unconstitutional. The questions propounded to the Justices by me sought their opinion as to the proper construction of the amendment to the Constitution known as the Port Amendment, as to whether or not the amendment would authorize the Legislature to provide for the State incurring debts or to issue bonds to the amount of ten million dollars for the promotion, development or operation of harbors or seaports within the State. The effect of the opinion of the majority of the Justices was that the Legislature was authorized to provide by law for the incurring of debts or the issuing of bonds to the amount of ten million dollars for the purpose of promoting, developing or operating harbors or seaports within the State, and that the Act providing for obtaining the opinion of the Justices of the Supreme Court upon important constitutional questions was constitutional and valid.

In consequence of the opinion of the majority of the Justices, which is in accord with my own opinion, I therefore suggest and request that the Legislature, as soon as practicable, enact into law a statute providing for the promotion, development or operation of harbors or seaports within the

State, as is authorized by such amendment to the Constitution. The details or exact provisions of such statute or law I prefer to leave to the wisdom of the Legislature; but I do suggest and request that in the drafting of such statute care should be taken and observed that the statute provide that such work or improvements of the harbors or seaports of this State shall always be and remain under the management and control of the State through its State Harbor Commission, or other governing agency, as is provided for in the amendment, and that the statute also provide that the receipts, charges, incomes or profits from the operation of such harbors or seaports be devoted, so far as practicable, to the creation of a sinking fund with which to pay the interest and principal of any State bonds which may be issued for the purpose of promoting, developing or operating such harbors or seaports; and that the statute contain ample provision and safeguards to insure honest, faithful and efficient services and expenditures of the funds, the profits of the sale of bonds so issued for the promotion, development or operation of such harbors or seaports.

I also suggest that the questions propounded by me to the Justices of the Supreme Court and their responses to the questions, as well as the declination of the minority of the Justices to respond, be recorded upon the Journals of each House and printed as prefatory or addenda matter to the Acts of this session of the Legislature; and that a sufficient number of copies be printed by order of the two Houses of the Legislature, for the information of each member of the Legislature, as to the contents of such questions and the responses of the Justices thereto, to the end that it may aid the Legislature in the enactment of proper laws to put into force and effect the amendment to the Constitution.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 13th, 1923.

STATE OF ALABAMA
EXECUTIVE DEPARTMENT
MONTGOMERY

February 20, 1923.

To the Honorable,
The Justices of the Supreme Court of Alabama.
Gentlemen:

Under and by virtue of an Act of the present session of the Legislature, approved February 13, 1923, "To provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important Constitutional questions," I deem it advisable to request your opinion or opinions on the following questions, to-wit:

First. Can the State of Alabama be "authorized by appropriate laws passed by the Legislature" to issue State Bonds to an amount not exceeding Ten Million Dollars, to enable it to "engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction," as is provided by the last amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Second. Can the State of Alabama be "authorized by appropriate laws passed by the Legislature" to incur an indebtedness not exceeding Ten Million Dollars, in order to "engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all har-

bors or seaports within the State or its jurisdiction," as is provided in the last amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Third. Does Section 213 of the Constitution of Alabama prohibit the State from incurring debts or issuing bonds, not exceeding Ten Million Dollars, to enable it to "engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction," as is provided in the last amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Fourth. Is the amendment to Section 93 of the Constitution of Alabama, as referred to in the preceding questions, within the limitations or prohibition of Section 213 of the Constitution against the State incurring debts?

In conformity with the foregoing statute approved February 13, 1923, I respectfully request you gentlemen to state to me your opinion or opinions on the questions above mentioned, as soon as may be convenient to Your Honors.

For your convenience and ready reference I am enclosing copies of the Act approved February 13, 1923, as well as the last amendment to Section 93 of the Constitution, which documents have not yet been officially published and distributed.

I am, with great respect,

Your most obedient servant,
(Signed) Wm. W. Brandon,
Governor.

June 8, 1923.

Hon. William W. Brandon,
Governor of Alabama,
Capitol.

The undersigned justices of the Supreme Court beg leave to assure you of our great deference and respect and of our entire willingness, within the limits which we conceive to be imposed by judicial practice and constitutional law, to contribute any effort of ours that would tend to create confidence in the constitutional validity of important acts of the Governor and the Legislature. But we must beg leave to say that in our opinion the Legislature in passing the act under which questions are propounded to the judges has overlooked or misconstrued that paramount principle of American constitutional government which ordains the distribution of the powers of government among separate bodies of magistracy, the legislative, the executive, and the judicial, and commands that each shall confine its activities within its own sphere, and that the act tends to impair the authority of judicial decisions.

We assume that your inquiries are propounded with a view to further action by the Legislature on the subject of legislation authorized, but not required, by the Port Amendment, for until some such action shall be taken, there can be nothing to be affected by executive action. Looking then through form to substance, we think these questions may be fairly epitomized as follows: If the Legislature should pass an act authorizing the issue of bonds under the Amendment, is it your opinion that the Supreme Court will uphold its constitutionality?

We note at the outset that this act shows a recession from its proptotype in the Constitution of Massachusetts. In the Massachusetts Constitution the Legislature and the Governor are authorized to "require" the

opinions of the judges upon "important questions of law and upon solemn occasions." In this act of ours it is said that the Governor or either House of the Legislature, by a "request" in writing may obtain the written opinion of the justices on important constitutional questions. If this act is to be construed merely as an indorsement of the practice now sought to be established, that is, as merely declaratory of the judgment of the Legislature that such a practice is proper, and not as an enactment of positive law, then we state our opinion that the Legislature is wholly without power to impose its judgment in the premises on any coordinate branch of the government. Each branch has the legal and moral right to decide such questions for itself. And as for the individual judges, there is nothing more involved than a question of propriety which each has the right to decide for himself. By propriety we mean of course, official propriety, to be determined with a view to the spirit of the Constitution and the practice of the several departments of the government. In this aspect of the act of the Legislature we can do no better than quote a statement of the objections to the practice of consulting the judges thus formulated by some of the ablest jurists this country ever produced, Chief Justice Parker and Shaw, Judge Storey, Ex-President John Adams, Daniel Webster, and others of their class: "First, each department ought to act on its own responsibility. Second, judges may be called on to give opinions on subjects which may afterwards be drawn into judicial examination before them by contending parties. Third, no opinion ought to be formed or expressed by any judicial officer affecting the interest of any citizen but upon full hearing according to law. Fourth, if the question proposed should be of a public nature, it will be likely to partake of a political character; and it highly concerns the people that judicial officers should not be involved in political or party discussions." Mass. Convention, 1820, p. 629, as quoted in 24 Am. Law Review, p. 392. It is impossible to read the opinions of the courts throughout the country without coming to the conclusion that the attitude of the judiciary generally has been unfavorable to the practice even in those States where it is expressly permitted by their Constitutions. They say, to quote one of them, that "the general and abstract question whether an act of the Legislature be constitutional cannot with propriety be presented to a court." 9 Ohio St. 543. If the Legislature may in this way obtain advisory opinions on any subject, it may, as the practice develops, obtain such opinions on all subjects, great or small, speculative or concrete, for the Legislature has defined the limits of such request for itself and may hereafter again define them according to its own pleasure. The Legislature may with equal right and propriety summon the judges daily to appear at the bar of the House and Senate there to answer questions, for that, in effect, though by indirection, is what is now done in this case. We cannot believe that the possibility of any such practice with any such results can be justified.

If, on the other hand, this act was intended to have the force and effect of law, if the Legislature, in the exercise of its law-making power under the Constitution, may authorize itself to request the justices of this court to render opinions after this fashion on constitutional questions, the request is the moral and legal equivalent of an unauthoritative demand and the justices have no alternative but to respond. The legal right to make a request necessarily implies the right to a reply; and thus the Legislature has decreed an increment of power to itself under the Constitution. This, we think, the Legislature cannot do. No more can the Legislature confer upon the Executive or other heads of Department the power to impose upon the courts or judges duties which the Legislature itself cannot impose upon them.

We scarcely think what has been done in England is of any consequence in this connection, for we live under a different form of government, the central idea of which is that its functions are distributed into three distinct and independent branches, "to the end," quoting Section 43 of the Constitution, "that it may be a government of laws and not of men." No such idea obtains in England. Nevertheless, broadly speaking, it has always been considered irregular for judges in England to render opinions regarding hypothetical causes or in feigned controversies. 4 Am. & Eng. Ency. Law (2d Ed.) 1065. Nor can reference to those six states which follow the example of Massachusetts, by providing in their Constitutions for advisory opinions, help the act of the Legislature in this case, for the people of each State put what they please in their constitutions, and in this State, as in forty others, the people in their wisdom have omitted any such provisions. Such a provision appeared for a time in the Constitution of Missouri; but the people put it out. So in Vermont by statute for a time; but the statute was repealed. Such a practice prevailed in Nebraska for a time; but the Supreme Court passed a rule that it would answer no more questions. Even in those States which have a provision of the sort in their constitutions the practice has been looked upon with disfavor by the judges and has been narrowly construed, and we find that in all the cases in which the question has been mooted the courts have held that the clause, common to the Constitutions of the American States, which requires the separation of governmental powers, assigning those which are legislative to one body magistracy, those which are executive to another, and those which are judicial to another, by necessary implication prohibits the rendition of advisory opinions unless other clauses expressly authorize them. 4 Am. & Eng. Ency. of Law (2d Ed.) p. 1067; 12 C. J. 883. Thus the Supreme Court of Minnesota, referring to an act like unto that here in question, said: "It constitutes the Supreme Court the advisors of the Legislature, nothing more. This does not come within the provisions of the constitution, and as the constitution now stands, would be, in our opinion, not only inconsistent with judicial duties, but a dangerous precedent," and more to the same effect. 10 Minn. 78. And the Supreme Court of Ohio: "The division of the powers of the State into legislative, executive, and judicial, and the confiding of these powers to distinct departments, is fundamental. It is essential to the harmonious working of this system that neither of these departments should encroach on the powers of the other. If the judiciary were to assume to decide hypothetical questions of law not involved in a judicial proceeding in a case before it, even though the decision 'would be of great value to the general assembly' in the discharge of its duties, it would nevertheless be an unwarranted interference with the functions of the legislative department that would be unauthorized and dangerous in its tendency. * * * Even under such a provision as appears in the Constitution of Massachusetts the judiciary must confine itself to an opinion on such questions as are involved in or necessary to the discharge of the public duty by the inquiring body. This power does not include the right to require an opinion on abstract or hypothetical questions however valuable as a future guide, nor to such questions as affect private rights merely. Opinion of the Justices, 122 Mass. 600; 126 Mass. 557."—38 Ohio St. 455. In the United States no such duty attaches to the judicial office in the absence of express provision of the Constitution (Dinan v. Swig, 223 Mass. 519; Opinions of Court, 62 N. H. 706; Rice v. Austin, 19 Minn. 103)."—Matter of State Industrial Com., 224 N. Y. 16. There are other cases to the same effect. There are none to the contrary. If it be said that in some cases in which the courts have denied the right to advisory opinions such opinions were sought from the court and not, as here, from the judges, we beg leave to say that in our

opinion the suggested discrimination is illusory and unsubstantial, and that the cases amply show the discrimination to be unsound. The suggestion seems to admit, however, the constitutional impropriety of an advisory opinion by the court. We think the suggested difference between opinions by the courts and by the judges rests upon a distinction without a difference. It rests upon a difference in the mere form of words. According to an universally recognized principle of law there could be no decision by the court in a case like that now presented. There is no justiciable question because, until the Legislature passes an act authorizing the issue of bonds, there can be nothing to decide. The function of the Court is to decide controverted questions of law and fact. Its jurisdiction depends on real parties and a real subject matter. It will engage in no speculations.—Hughes on Procedure, 612-13. True, what may be said by the judges on this occasion, will not establish *res judicata*—There is nothing to be adjudicated in the ordinary sense—but it is clear nevertheless that our opinions are sought, not merely because we are required to be learned in law—that qualification might be found elsewhere—but because we hold responsible positions under the Constitution and because the opinions of a majority of us will foreshadow the decision of the court in the event a lawsuit should hereafter arise involving the same questions. Not for a moment will any one concede that the opinions we now render will lack in any respect or degree the sanctions of our consciences and our oaths of office. Clearly, therefore, what the justices of the Court may say will be in the nature of a judicial judgment and will rest, so far at least as we are concerned, upon the like sanction as the most formal acts of the court. And may we not add that in the decisions of the questions here presented we have observed no variation from the customary methods of procedure in this court. It is fair to assume—indeed, it is necessary to assume—that the opinions we now give on the meaning and effect of the Port Amendment will not only influence legislative action, but will constitute a moral obstacle, practically insuperable in the circumstances, to stand in the way of a free and unbiased decision should the question now propounded hereafter recur in the course of litigation the court will be bound to decide. It is just such contingencies and possibilities the Constitution is intended to prevent.

In the Federal Courts it has been held from the earliest period, "That by the Constitution of the United States, the government thereof"—like the government of the State of Alabama in this respect—"is divided into three distinct and independent branches, and that it is the duty of each to abstain from, and to oppose, encroachments on either; that neither the legislative nor the executive branches can constitutionally assign to the judicial any duties but such as are properly judicial, and to be performed in a judicial manner."—Hayburn's Case, 2 Dall. 409.

Much store seems to be placed by the decision in *Fox v. McDonald*, 101 Ala. 51. In that case the court labored at great length to establish the proposition that the power to appoint to office is not inherently an executive function, but by the policy of our government has been distributed among the several departments of the State; in other words, that the Legislature might pass an act requiring the Judge of Probate to appoint police commissioners for the city of Birmingham. Except that, *arguendo*, the court conceded the constitutional distribution of powers to which we have referred, we fail to see how its opinion in that case has any bearing on the question of which we have undertaken to state our consideration. If, as the court decided—and there is no cause or occasion to question the decision—any department of the State government may appoint to office, then it seems obvious to us that an act lodging the power to appoint in a judge does not impinge upon the Constitution, and the decision to that

effect seems to us to shed no light upon the question whether the Legislature or the Executive may demand opinions as this act undertakes to provide.

For the reasons thus stated, briefly and imperfectly—for we have been constrained by the consideration of proper time and space in which to state them—the undersigned, with great deference and respect, beg to be excused from further consideration of the questions you have propounded until they may be presented and argued by counsel in the ordinary course of the administration of justice.

(Signed) A. D. Sayre,
B. M. Miller.

COPY:

Chambers of the Justices,
June 1st, 1923.

TO

The Governor,
Hon. Wm. W. Brandon,
State Capitol.

The following communication, formulated and presented as the Advisory Opinion Act purports to authorize, has been received by the Justices; the questions propounded have been considered with the most thorough care by the Justices signing the responses to be stated to the questions thus propounded by you:

"STATE OF ALABAMA
EXECUTIVE DEPARTMENT
MONTGOMERY

February 20, 1923.

To the Honorable,

The Justices of the Supreme Court of Alabama.

Gentlemen:

Under and by virtue of an act of the present session of the Legislature, approved February 13, 1923, 'To provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important Constitutional questions, I deem it advisable to request your opinion or opinions on the following questions, to-wit:

First. Can the State of Alabama be 'authorized by appropriate laws passed by the Legislature' to issue State Bonds to an amount not exceeding ten million dollars, to enable it to 'engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction,' as is provided by the last amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Second. Can the State of Alabama be 'authorized by appropriate laws passed by the Legislature' to incur an indebtedness not exceeding Ten Million Dollars, in order to 'engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction,' as is provided in the last Amendment to Section 93 of the Constitution of Alabama, which Amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Third. Does Section 213 of the Constitution of Alabama prohibit the State from incurring debts or issuing bonds, not exceeding Ten Million Dollars, to enable it to 'engage in the work of internal improvement, of

promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction,' as is provided in the last Amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Fourth. Is the Amendment to Section 93 of the Constitution of Alabama, as referred to in the preceding questions, within the limitations or prohibition of Section 213 of the Constitution against the State incurring debts?

In conformity with the foregoing statute approved February 13, 1923, I respectfully request you gentlemen to state to me your opinion or opinions on the questions above mentioned, as soon as may be convenient to Your Honors.

I am with great respect,

Your most obedient servant,
(Signed) Wm. W. Brandon,
Governor."

The undersigned Justices respectfully reply in the affirmative to the questions designated *First* and *Second* in the communication reproduced *ante*; and in the negative to the questions designated *Third* and *Fourth* in the communication reproduced *ante*. The consideration and grounds inducing the categorical responses made to the several questions propounded are set forth in the opinion which by direction of the Justices signatory thereto, has been prepared by Justice McClellan to express their judgments in the premises.

THE ADVISORY OPINION ACT.

The specific questions, propounded by the Governor, reproduced in the foregoing responses made by a majority of the Justices, in their individual capacities, are the first to be propounded under the Act (approved February 13, 1923) "To provide for Obtaining the Opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or Either House of the Legislature, Upon Important Constitutional Questions."

It was aptly observed in *Norwood v. Goldsmith*, 168 Ala. 224, 334, that "all persons or officers are of necessity required to pass upon the validity of all acts * * * under which they are required to act or decline to act. In so acting or declining to act * * *, he must necessarily pass upon it for himself." In the exercise of this necessary, though obviously non-cluding function (*Norwood v. Goldsmith*, *Supra*), the Justices—in their individual capacities only, not as the means for the expression of the judgment of the Supreme Court of Alabama—have considered the Act with respect to its proper construction and effect as well as to its constitutional validity.

Apart from the title already quoted, the Act reads:

"Be it enacted by the Legislature of Alabama:

"Section 1. The Governor by a request in writing, or either House of the Legislature by a resolution of such House, may obtain written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, on important constitutional questions and

"Section 2. The opinion of the justices of the Supreme Court herein provided for shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the justices giving the opinions; but such opinions shall be advisory merely. The object and purpose of this Act, being to give more confidence and assurance to the validity and constitutionality of important Acts or contemplated acts of the Governor and of the Legislature, and to declare the public policy of

the State as to requesting and giving opinions of the justices of the Supreme Court as herein provided.

"Section 3. The justices of the Supreme Court may request briefs from the Attorney General, and may receive briefs from other attorneys as *amicus curiae*, as to such questions as may be propounded to them for their answers.

"Approved February 13, 1923."

Interpreting the Act according to its manifest effects these conclusions must, of necessity, prevail: (a) That the Act does not at all contemplate the advice or the advisory opinions of the Justices upon any matter relating to the wisdom, desirability or policy of prospective Legislative or Executive action; (b) that the merely advisory opinions contemplated are those of the individual Justices, not of the Supreme Court of Alabama in its judicial capacity; (c) That specific inquiries, within the intent of the Act must involve or concern concrete, important constitutional questions upon matters or subjects of a general public nature, as distinguished from questions involved in the ascertainment or declaration of private right or interest; (d) and that responses to questions within the purview of the Act are designed to be advisory, consultative only, not concluding or binding the Governor or the House or Houses propounding inquiries or the Justices responding thereto.

The Act avows its own object and purpose to be "to give more confidence and assurance to the validity and constitutionality of important acts or contemplated acts of the Governor and the Legislature, and to declare the public policy of the State as to requesting and giving opinions of the Justices of the Supreme Court as" in the Act provided. In aid of the public service contemplated the Justices are authorized to request briefs from the Attorney General and to receive briefs from attorneys intervening *amicus curiae*.

Since the Legislature possesses the power to prescribe and to define the authority, duties and functions of the Governor and the Justices (except as restrained by the Constitution), the Act invests the Governor and the House with the authority to obtain the advisory opinions of the Justices or a majority of them—in respect of "important constitutional questions," propounded as the Act contemplates—and imposes upon the Justices an obligation to consider such questions as emanate from the sources the Act defines; but the determination of the inquiry, whether the question or questions so propounded are within the stated purview of the Act, is an inquiry addressed to and determinable alone by the Justices exercising, each for himself, his judgment upon the inquiry whether the question or questions properly propounded are within the purview of the Act. Such questions as are thus determined to be within the purview of the Act should and will be accorded appropriate response by the Justice or Justices so concluding.

The performance by the Justices of the function of the Act contemplates in non-judicial: this for the obvious reason that advisory opinions given do not conclude or vindicate any right or remedy; result in no judgment or decree; bind no one whatsoever. Anno. Cases, 1916, C. P. 739; 126 Mass. 566.

The preservative and conservative practice of obtaining the merely "advisory opinions" of the Judges, as a precautionary measure against invalid executive or legislative action or inaction contemplated, had its inception centuries ago in England (see 126 Mass. pp. 561 et seq. for satisfactory historical statement); and varying provisions therefor in the Constitutions of Massachusetts, Maine, New Hampshire, South Dakota, Colorado, Florida and Rhode Island afford illustrations of the idea's appropriation to the methods of government prevailing in the States enum-

erated. The recent (1917-19) re-ordination in Massachusetts of the pertinent provisions in that organic law accords the practice and uninterrupted existence in that State since 1780, upwards of one hundred and forty years. Other States have retained similar provisions for scores of years. In 1881, without either constitutional sanction or legislative authority the Judges of the Kentucky Court of last resort responded to a constitutional question propounded by the Governor. Sec. 79 Ky., pp. 621-633. In the eighties the Missouri Constitution was so amended as to eliminate its provision for "advisory opinions;" and Vermont recently repealed its statute (enacted in 1864) establishing the practice there. In 1885 Colorado amended its Constitution so as to require "advisory Opinions" from the Supreme Court itself. In Minnesota the act requiring "advisory opinions" of the "Supreme Court or one or more of the Judges thereof" when requested by either branch of the Legislature, was held violative of that State's Constitution, and was hence void.—10 Minn. 78. The ground of the decision there made is at variance with constitutional principles established here by the illuminating opinion of Justice Head in *Fox v. McDonald*, 101 Ala. 51; to which we will later more particularly refer. In *re Workmen's Compensation Fund*, 119 N. E. Rep. 1027, 224 N. Y. 13, involved a statutory attempt to authorize the State Industrial Commission, "in its discretion, to certify to such Appellate Division of the Supreme Court, questions of law * * *," "the object there was to evoke the judgment of a department of the Supreme Court, not the advisory opinions of individual Justices thereof as is the design of the Alabama Act under consideration; and this, as the Court of Appeals held, upon a non-judicial question. The New York Court appears to have proceeded from the premises that the Constitution of New York restricted the exercise of judicial functions to "controversies" between litigants; and concluded that, under the organic law of New York, "the Legislature is [was] without power to charge the courts with the performance of non-judicial duties."

The purpose, design and effect of our Advisory Opinion Act being as stated, the inquiry is whether the Act is offensive to the Constitution of Alabama? If the Act is offensive to the Constitution of the State, then it is, of course, invalid, and the Governor is without authority to propound to the Justices any questions thereunder, and in consequence, no degree of obligation rests upon the Justices to consider questions propounded by the Houses or the Governor.

Is the Act constitutionally valid? As in all cases involving the constitutional validity of legislative enactments, they are regarded as presumptively valid, and the wisdom, policy or propriety thereof are not factors for consideration in determining their freedom from offense to the organic law.—*State ex rel v. Greene*, 154 Ala. 249, 254; *Fairhope Corporation v. Melville*, 193 Ala. 289, 305-6, citing earlier pronouncements. The public policy and design manifested and adopted through this Advisory Opinion Act concludes every person and every department of the State with respect to the wisdom and propriety of the subject matter of the Act. In *Sheppard v. Dowling*, 127 Ala. 1, 6, the statement of established principle was "that this court is thoroughly committed to the doctrine that the Constitution of the State, and the Constitution of the United States so far as it has any application, are not the sources of the Legislative power residing in the General Assembly of Alabama, nor in any sense grants of power to the Legislature, but only limitations upon that power, and that apart from the limitations imposed by those fundamental charts of government, the power of the Legislature has no bounds and is as plenary as that of the British Parliament. All which the General Assembly is not forbidden to do by the organic law, State or Federal, it has full competency to do."

The only sections of the Constitution of 1901 that are thought to contain provisions the Advisory Opinion Act might offend are Sections 42 and 43. These Sections read:

"Section 42. The power of the Government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another."

"Section 43. In the Government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men."

These sections distribute the powers of government to three distinct departments; and prohibit the exercise of one department of powers expressly or by necessary implication referred to another department, except in instances expressly directed or permitted. Section 43 is addressed to departmental restraint; differing materially, from the provisions of Section 2 of Article III of the Constitution of 1875, where the prohibition against the exercise of power belonging to either of the other departments, was addressed to a "person, or collection of persons, being of one of" the other departments. Under the just mentioned provisions of the Constitution of 1875, the inhibition was written in terms referable to persons or collections of persons; whereas the organic law of 1901 (Sec. 43) directs its restraint to the departments as such. The report of the Committee on Preamble, etc., in the Convention framing the present organic law (Journal p. 361), referring to Section 38 of the report (now Section 43 of the Constitution of 1901), characterized it (38) as a "new section, prohibiting the exercise by one department of the government of any of the functions of either of the other departments." Doubtless the drafting of the "new section" and the omission of already quoted Section 2 of Article III of the Constitution of 1875 was the result of the very instructive discussion given by Justice Head in *Fox v. McDonald*, 101 Ala. 51. The inquiry there under consideration was whether the Legislature could validly confer on the Judge of Probate—a judicial officer—the power to appoint police commissioners for the City of Birmingham. This question evoked the Court's consideration and construction of the pertinent provisions of Section 2 of Article III of the Constitution of 1875. The presently important pronouncements of constitutional law made in *Fox v. McDonald* (supra) were accurately stated in head notes 2, 3 and 4 as follows:

"2. Distribution of Powers.—All powers which are, by the constitution itself, expressly or by necessary implication, referred to the exclusive exercise of one of the several departments of government, must be exercised by that department, and cannot be, by legislation, conferred elsewhere."

"3. Nature of powers conferred not determinative of the department by which they are to be exercised.—The fact that certain powers and duties conferred by legislation partake of a legislative, executive or judicial nature, is not determinative of the department of the government by which such powers and duties are to be exercised."

"4. Same.—The Constitutional provision in regard to the distribution of the powers of government into three departments, and forbidding the exercise by an officer of one department of any act properly belonging to another, 'was not intended to declare that every act pertaining to government, and the regulation of the social and property rights of the citizens, should be exercised exclusively by the legislative, executive or judicial de-

partment, or some member of it, according as the act possessed a legislative, executive, or judicial character.’”

At the risk of unnecessary repetition it is to be observed that, in unmistakable effect, it was declared that even under the terms of Section 2, Article III of the Constitution of 1875—addressed as it was to “persons or collections of persons” belonging to other departments—the organic law of 1875 only restricted departmental functions to spheres prescribed in the Constitution, leaving to legislative selections, creation and discretion the means, including personnel, wherewith governmental functions outside of those assigned by the Constitution to a particular department, officer, body or functionary might be performed; and the further pronouncement was that the nature of the function contemplated by an enactment did not restrict, excluding other departments, the department to which the function or duty might be assigned for performance; unless the function or duty sought to be conferred or imposed by the enactment was expressly or by necessary implication in the Constitution referred to the “exclusive exercise” of a particular department or officer.

The Constitution contains no reference, expressed or implied, to advisory, consultative opinions by the Justices. Since the giving of such opinions by the Justices is not “the exercise of a judicial function,” it is manifest that an act establishing this preservative practice is not the imposition of a judicial duty, or any character of detraction or subtraction from the distinctiveness and immunity from encroachment our Constitution assures to the Judicial Department. It results, necessarily, from the doctrine established through *Fox v. McDonald* (Supra) that the Legislature is not restrained from imposing or conferring upon a judicial officer, in his individual capacity as such, non-judicial duties or functions.

If, however, (for the occasion only), the proposition is accepted that the practice of requiring merely advisory, consultative opinions of the Justices upon important constitutional questions is a function “judicial in nature,” the provision to be quoted from Section 139 of the Constitution of 1901 effects to directly authorize the Legislature to impose the stated duty and to regulate its performance; the judicial power (otherwise than therein prescribed) of the State may be exercised “by such persons as may be by law invested with powers of a judicial nature”—the Constitution being silent with respect to this particular function, viz: the giving of merely advisory opinions upon request of the Executive or the Houses of the Legislature. The effect of this provision was to clothe the Legislature with authority to invest persons—selected, without limitation in respect of personnel, as the Legislature in its discretion might conclude—with power judicial in nature. It is to be particularly observed that this authorization (Sec. 139) was not confined to “such persons” as belong to neither the Executive or Legislative Departments of State or who belong to the Judicial Department. There is significant omission from the provision of the word other in the phrase, “or such persons as may be by law invested” with power of a judicial nature; and this omission confirms the idea that the makers of the Constitution intended to repose in the law-making department the discretion to invest “such persons” as it chose with powers of a “judicial nature” that the organic law itself did not vest, exclusively, in some governmental agency, body or officer. In *State ex rel v. Burke*, 175 Ala., p. 567, of the expression under consideration these pertinent observations were made:

“Section 139 of the Constitution which names or prescribes the tribunals in which the judicial power of the State shall be vested names the Senate sitting as a court of impeachment, the Supreme Court, and circuit, chancery, probate, and such inferior courts as the Legislature may establish; and concludes by adding the phrase, ‘and such persons as may be by

law invested with powers of a judicial nature,' with certain conditions as to the establishment of such inferior courts, not here important to be discussed. The quoted and italicized provisions of Section 139 of the Constitution first appeared in the Constitution of 1875. Since the Constitution of 1875, the Legislature has had this express authority for conferring certain parts of the judicial power of the State—heretofore conferred or conferable only upon the tribunals or courts mentioned or provided for in the previous Constitutions of 1819, 1861, and 1865—upon certain designated persons."

Of this provision in Section 139 it was said, in response on rehearing in *State Tax Commission v. Bailey & Howard*, 179 Ala., p. 630:

"Section 139 of the Constitution of 1901 not only vests the judicial powers of the State in the officers therein enumerated, but also in such persons as may be by law invested with powers of a judicial nature. Our present Constitution not only permits the Legislature to create a State Tax Commission, but authorizes it to be invested with judicial powers."

If the function prescribed in this Act is non-judicial in nature, the Constitution does not forbid its imposition upon or performance by individual officers who are "of the judicial department;" and, if, on the other hand, it is conceived that the function prescribed in this Act is of a "judicial nature," then its imposition upon or performance by individual officers who are "of the judicial department" is not offensive to any provision of the Constitution.—Const., Sec. 139; *State ex rel v. Burke*, 175 Ala. 561.

Does this Act, the preservative practice created thereby, manifest an effort or design to delegate, to subordinate, to qualify, or to detract from, the Legislative or Executive power or authority the Constitution of 1901 distinctively assigns to those departments of State?

The purpose and effect of the Act compels a negative response to the stated inquiry. As has been observed, this Act constitutes the Justices, in their individual capacities, the advisors, only, and alone when requested thereunder, of the Houses and the Governor in respect of "important constitutional questions" that those agencies of government encounter or anticipate in the performance or discharge of the functions of government. Neither the Act's design nor its effect is to invest the Justices with any character or quality of veto power. In terms the Act characterizes as completely inconclusive and inconcluding the responses contemplated. It provides: "The opinion of the Justices * * * shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the Justices giving the opinion; but such opinions shall be advisory merely." The sources seeking the advice the practice intends are those charged with governmental duty; and this with respect to the observance of the Constitutions, Federal and State; to obey and observe which, as the highest laws, it is the oath-bound duty of all to do. The Act does not intend that Justices volunteer their advice. The Justices can only respond when requested thereunto by one of the Houses or by the Governor. If a House or the Governor do not desire the advice of the Justices, there is no obligation to propound a question to the Justices. If the response or responses, made as the Act contemplates, do not commend themselves to the propounder of the question or questions, the House or the Governor is not required, in any degree, to accept or heed the advice thus elicited by them from the Justices. No Legislative or Executive function, power or authority is or is sought to be by the Act reposed in the Justices. Their function is "advisory merely." Inconclusive and inconcluding upon the questioner, the responder, or any department, person, or officer. Obviously, in these circumstances, the Act manifests no effort, establishes no effect to qualify, delegate or subordinate, or to detract from

any power or function with which the Constitution has invested either the Legislative or Executive departments or any officer or body attached to those departments.

The argument is advanced that this Act offends either Section 42 or 43, or both, quoted ante, through or by its effect to invoke, in advance of contestation, the opinions of the Justices—whose judgments become the voice of the Supreme Court of Alabama, of which they are members, in causes or proceedings brought within that court's constitutionally defined judicial power. Such was the view found acceptable in the response of the Minnesota Court.—10 Minn. 78. It is to be noted that the statutory requirement for opinion there sought to be made was as broad as the law itself, viz: "upon a given subject;" and was exacted of the court itself. and, alternatively, of the Judges. The responsive opinion, declaring the enactment void, was "By the Court." The inquiry, the court remarked, was "communicated to the Court yesterday." The Court treated the enactment as constituting "the Supreme Court the advisers of the Legislature, nothing more." While alluding to the alternative exaction the enactment made of the Judges, the Court reprehended the expression of opinion, by either Court or Judges, in advance of appropriately invoked, authoritative consideration and adjudication by the court; thereupon, forthwith, without other invocation of the judicial function then exercised than a resolution of the Senate, declared with judicially pronounced finality, the enactment unconstitutional and void; and that it "therefore imposed (imposes) no duty *on the Court*" (Italics supplied.) The enactment there considered did not confine the questions propoundable, as does the Act under consideration, to "important constitutional questions;" questions, of that character, projected by the supreme, organic laws that all are expressly required to observe, to obey. It seems that the real basis of the Court's conclusion, apparently so hastily attained, was that the Legislature in Minnesota could not confer or impose either upon a court or a judicial officer the performance of a non-judicial function or duty; a doctrine inconsistent with the constitutional principles pronounced in *Fox v. McDonald*, supra, as shown by the accurate headnotes thereto reproduced ante. It is not to be supposed that the view prevailing with the Minnesota Court (10 Minn. 78) would have prevailed if that court had had under consideration a Constitution like Alabama's present organic law, and had found sound and acceptable the construction of this court accepted and ably maintained in *Fox v. McDonald*, supra. The same observations are applicable to expressions in *re Workmen's Compensation Fund*, 119 N. E. Rep. 1027, 224 N. Y. 13.

There are several reasons why the practice of invoking the merely advisory opinions of the Justices, in their individual capacities, cannot and will not operate to invite the Justices to pre-judge concrete causes or proceedings that may later come to the Supreme Court for decision. First: Such merely advisory opinions must often pertain to important constitutional questions that never can or will come to the Supreme Court's consideration and decision; this, to illustrate, in all cases where the Legislature or the Executive does no act projecting or raising the constitutional inquiry upon which an advisory opinion or opinions have been requested and given. Second: Since only one prejudiced by official Act or action can invoke the courts to judicially determine a constitutional question, it cannot be at all certain, that the subject of such advisory opinion will be presented for judicial determination in a cause or proceeding in the courts. Third: The decision by the Supreme Court upon the constitutional validity of a legislative enactment of an Act by the Executive always contains this important factor that is wholly absent in a response by the Justices to a request for a merely advisory opinion on the question, pending legislative or executive action, namely: that in judicially testing or determining the

constitutionality of legislative or executive action the Supreme Court—in the discharge of its high and concluding judicial function—always enters upon such an inquiry with the presumption, suggested by the deference due from one department to another, that the other department has not ignored or violated the Constitution; and this judicial presumption requires the sustaining of legislative or executive act unless its invalidity appears beyond a reasonable doubt. In the observance of the practice this Act establishes, responses by the Justices would not at all involve recourse to or recognition of the stated presumption pending action by the interrogator on the subject of the advice sought. In these circumstances, no evoking of the judgment of the Justices in advance of contestation of any constitutional question in the Supreme Court itself is or would be effected by the practice the Act establishes.

Since the exercise by the Legislature, through this Act, of its discretion to create the Justices, in their individual capacities only, mere advisors on "important constitutional questions," manifests no offense to or violation of any provision of the Constitution, criticism of the choice of the personnel made by this Act for the performance of this non-concluding function, is referable, alone, to a matter of wisdom or policy that the Act, itself, concludes. Neither the Legislature nor the Executive have or enjoy any prerogative to ignore or violate the Constitutions. Indeed, obedience to the Constitution's provisions must be regarded as the desire, the purpose and intent of every department and officer in the government. The practice thus established evinces the highest permissible form of precautionary procedure to preserve constitutional government by invoking the advice of those thought to be peculiarly qualified to give, in advance of action, advice in respect of the Constitution's prescriptions; thereby manifesting a quickening sense of responsibility for submission and conformity to the Constitutions on the part of all who owe that supreme duty to the Governments.

The undersigned Justices, in their individual capacities, therefore conclude that the Advisory Opinion Act is not violative of the Constitution of Alabama; and having attained this conclusion, proceed to state the grounds upon which categorical responses are given to the questions propounded by the Governor under date of the 20th day of February, 1923.

THE QUESTIONS PROPOUNDED BY THE GOVERNOR.

The inquiries propounded by the Governor may be well resolved into this question of constitutional construction: has Section 93 of the Constitution been so altered by the so-called Port Amendment—ratified as an amendment of amended Section 93 in 1922—as to except seaport improvement from the general prohibition expressed in Section 213 of the Constitution against the State's creation or incurring of a "new debt," with presently unimportant exceptions therein prescribed? Within this more comprehensive statement of the inquiry is this question of constitutional construction: has Section 93 of the Constitution been so altered by the adoption of the Port Amendment as to except seaport improvement from the inhibition of Section 93 against the State's lending money or its credit in aid of that character of internal improvement?

The solution of these questions, the major as well as the more acute inquiries stated, requires, primarily, the construction of Section 93 as it is now, after the change that was wrought by its alteration through the Port Amendment in 1922; and, then, the determination of the effect, if any, of the present Section 93 upon the general prohibition in Section 213 against the incurring by the State of a "new debt" otherwise than as permitted in Section 213.

Before its amendment, first in 1908, Section 93 of the Constitution of 1901 read:

"Sec. 93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation."

The financial profligacy with which reckless officials had, prior to the Constitution of 1875, created obligations of the State induced the incorporation in that organic law of the general prohibition expressed in Section 213 and the particular, the comprehensive inhibitions expressed in the original Section 93. Except as restrained by the Constitutions, Federal and State, the Legislature's power and authority is plenary (*Sheppard v. Dowling*, 127 Ala. 1, 6); and, hence, if the fiscal affairs of the State were to be preserved from misadventure, mismanagement, and improvidence it was considered necessary and desirable that the Legislative power should be restrained through the inclusion in the constitution of definite, unmistakable prohibitions against governmental act or action to which the depleted, if not bankrupt condition of the State's finances was naturally attributable in view of the then (1875) practically current events, and their well appreciated consequences to the menace of the State's financial welfare. Both the State's engaging in works of internal improvement or lending its money or credit in aid thereof and the State's extensions or grants of its credit or assurances in the promotion of private or corporate enterprises had contributed to the public conviction that was given avowal in what became, in 1901, Sections 93 and, in general, more comprehensive terms as to debts, without presently important material change, 213 of the Constitution.

Original Section 93 was a simple, clear prohibition against the State's doing the things prescribed therein. Its provisions were inhibitory only; a denial of power or authority to engage in such works; to lend the State's money or credit in aid of or to the designs, purposes or ends specified therein. In 1907-8, the people of the State determined to except, the only partially, from the inhibitory effect of the original Section 93 the public roads, an internal improvement that otherwise would have been within the prohibition of the original section; and, also in 1908, Section 93 was effectually amended by the addition to the original provisions of the terms italicized in this reproduction of Section 93 as it was amended:

"Section 93. The State shall not engage in work of internal improvement nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprises or lend money or its credit to any individual, association, or corporation, *provided that the State may under appropriate laws cause the net proceeds from the State convict fund to be applied to the construction, repair, and maintenance of public roads in the State and the Legislature may also make additional appropriations for that purpose.*"

It is noted that the exception of public roads from the prohibitory provision of original Section 93 was restricted to the first prohibition in the Section, namely, against the State's engaging in works of internal improvement; the sources from which the means to improve, etc., the *public roads* being so defined and limited as to exclude recourse to the *credit* of the State in any form or to otherwise afford the means that through *funds* of the State subject to *appropriation*. So, in 1908, the thus amended Section 93 became "to all intents and purposes" a part of the Constitution (Const. 1901, Sec. 284); and this was the content of the section (93) when the Legislature of 1919 formulated and submitted to electoral judgment the first (so-called) Port Amendment.—Gen. Acts 1919, pp. 908-9. The proposal then submitted was defeated at the polls. At the special session of

the same Legislature in 1921, an amendment was again proposed containing the authorization of seaport improvement, with the added feature of a limitation on the *cost* thereof. This proposal was adopted; and is now "to all intents and purposes" a part of the Constitution.—Const. Sec. 284.

It reads:

"Section 93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such, except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto; but when authorized by laws passed by the Legislature the State may appropriate funds to be applied to the construction, repair, and maintenance of public roads, highways, and bridges in the State; and when authorized by appropriate laws passed by the Legislature, the State may at a cost of not exceeding ten million dollars engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction, provided, that such work or improvement shall always be and remain under the management and control of the State, through its State Harbor Commission, or other governing agency. The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of the Legislature."

The proposal of 1921 was a revision in structure and, partially, in terms of the formal proposal of 1919. Among the changes made was the omission from the proposal of 1921 of the proviso, in that of 1919, whereby "the foregoing prohibitions" were declared inapplicable to the seaport improvement contemplated, thus exempting that particular character of improvement from the prohibitions, reiterated as from original Section 93, against the State's engaging in works of internal improvement or lending its money or credit in aid thereof. Had this proviso been repeated in the proposal (since adopted), it is manifest no real question could have arisen as to the intent of the amendment to free the contemplated seaport improvement from both the prohibition against engaging in such works and that forbidding the loan of the State's money or credit in aid of such works. In reconstructing the proposal the Legislature introduced two *exceptions*, so expressly named: this to take from without the respective antecedent prohibitory clauses such special cases or instances "as," in the first exception, "may be authorized by the Constitution of Alabama or amendments thereto," and "as," in the second exception touching private or corporate enterprises, "may be expressly authorized by the Constitution of Alabama or amendments thereto." (*Italics supplied.*) Since the same Legislature framed both the proposal of 1919 and that of 1921 and were, in each instance, treating the same subjects, it is natural to suppose that a similar intent characterized each effort, except where, as in the limitation of *cost*, a different, the ancillary, purpose was expressed. The omission from the last, the adopted proposal, of the proviso declaring inapplicable the *foregoing prohibitions* and the insertion of the exception (the first) in the 1921 proposal evinces a degree, at least, of persistence in the Legislative mind of the *idea* set forth in proviso (in the 1919 proposal) declaring inapplicable to seaport development the *foregoing prohibitions*, necessarily including therein that forbidding the employment of the State's credit in aid of that internal improvement. The first exception's reference is to all therein preceding prohibitions restraining the State; but the exception's scope and effect is confined to such instances or occasions "as may be authorized by the Constitution of Alabama or amendments thereto." A com-

parison of this exception with the second exception, that introduced with respect to private or corporate enterprises, discloses that in the second instance the authorization is required to be *expressly* made; while the first exception, relating to the State's action, is not conditioned upon an *express* authorization, to the end stated. The omission to exact *express* authority, in Constitution or amendments thereto, as the condition to the operation of the first exception, while requiring *express* authority as the condition to the operation of the second exception, relating to private or corporate enterprises, evinces a discriminate intent to admit a character of authorization not necessarily *express*, in respect of internal improvement by the State, that would not suffice to answer the requisite prescribed in the second exception. So the first exception is met, may be invoked by an authority that is implicable from provisions in the Constitution or amendments thereto. It is not to be supposed that in so phrasing the proposal the Legislature, or the electorate in voting thereupon, did not intend to prescribe a different expression and measure of authority in the two instances, one purely public and the other private or corporate, when exacting *express* authority in the latter instance and only *authority* in the former.

Does the amendment's provisions relating to seaport development evince an intent to free that internal improvement from the prohibition against the employment of the State's credit within the purview of the first exception, as we have interpreted it? A contrasting of the amendment's provisions authorizing the construction, etc., of public highways and bridges *with* the provisions authorizing seaport development requires affirmative response to the inquiry last stated. To provide efficient public highway and bridge facilities the sole authorization is to *appropriate funds*; whereas to accomplish seaport development the authorization takes the unmistakable form of a conference on the Legislature of the power "by appropriate laws" to authorize the State to *engage* in the work of developing, operating, etc., seaports within the State. In respect of public highways and bridges the sole authority given by this amendment is to pass laws *appropriating funds*. In respect of seaport development, etc., the authorization expressed in this amendment is to enact laws appropriate to the State's engaging in such work of internal improvement and operating the same under the exclusive management of the State or its governing agency. The power to enact laws appropriate to effectuate seaport development invests the Legislature with a discretion in the creation, use and employment of methods, measures and means that, so far as this amendment is concerned, is only restrained by the two limitations set forth in this amendment, namely, that the *cost* shall not exceed ten million dollars and that the improvement shall be and remain under the management and control of the State or an agency created by it. Any other construction of the amendment's provisions for seaport development would involve the obviously unsound process of reading to identical purposes and effects terms that simply authorize, for highway and bridge construction and maintenance, the *appropriation of funds* and terms that, to consummate a seaport development and operate this public facility, invest the Legislature with the stated discretionary power to *enact appropriate laws* to accomplish the State's engagement in seaport development and the operation of the facility under the exclusive control of the State or agency of its creation. The material difference in the amendments' treatments, authorizations of the two internal improvements—highways and bridges, on the one hand, and seaport development and operation, on the other hand—leave in no degree of doubt that the framers of the amendment did not intend that the method, measures or means to effect the former public purpose were those and those only permissible to accomplish the latter public purpose.

Such being the indubitable effect of the Amendment's provision for seaport development, it operates, under the terms of the first exception in the amendment, to afford the essential condition and to qualify the antecedent prohibition against the employment or loan of the State's money or credit in aid or effectuation of the seaport development contemplated, thereby completely excepting, exempting such development from the restraint that inhibition would otherwise have interposed.

From this construction of the amendment it results, necessarily, that by force of the terms of the amendment, in its phrase authorizing seaport development, distinct inconsistency, repugnancy to the general provision of Section 213, inhibiting the creation or incurring of a "new debt" by the State, except in the presently unimportant circumstances therein prescribed, is introduced. The discretionary power, in the special instance of seaport development, having been conferred on the Legislature to *enact* appropriate laws to accomplish seaport development—including, through the stated first exception, the exemption of such seaport development from the antecedently defined restraint against the employment of the State's credit—introduces into the Constitution the authority to employ the credit of the State to effectuate the public purpose; and the borrowing of money, the creation of *debt*, evidenced by bonds or otherwise, is a method and measure for the use or employment of the State's credit so committed by this amendment to the discretion of the Legislature to be exercised by the enactment of laws appropriate to the purpose and ends contemplated.

This amendment is the last expression of public will, upon a *special* subject of consideration and constitutionally invoked judgment in the premises. It must prevail over, operate a repeal or modification of any other inconsistent or repugnant elder provisions in the Constitution, to the extent such inconsistency or repugnancy exists.—12 C. J., p. 724, Sec. 96; Mayer, etc. v. Stonewall Ins. Co., 53 Ala. 570, 577; State v. Birmingham Southern Ry. Co., 182 Ala. 475, 491.

This provision for seaport development in this amendment accords special, exceptional treatment to that particular subject. In respect of such development, the amendment introduces into the Constitution provisions *special* in design and character, as distinguished from *general* provisions, of which class the broad prohibition, inhibiting the creation or incurring of "new debt" declared in Section 213, is an apt illustration. When general and special provisions of a Constitution—a *fortiori* where the special provision is introduced by amendment to the Constitution—are inconsistent or repugnant, special provisions must be accorded operation and effect to the extent of their scope, leaving the general provisions to apply to instances or occasions to which the special provisions are inapplicable.—12 C. J., p. 709.

The doctrines stated are invoked, their application required by the *special* provisions of this amendment to the Constitution with respect to seaport improvement when contrasted with the general provisions of Section 213 of the original Constitution prohibiting (with presently unimportant exceptions) the creation or incurring of "new debts." The amendment, in the particular that it treats the special subject of seaport development, removes that character of internal improvement, together with the *means*, money and credit, the Legislature, in its discretion, may employ, *from* the general inhibition of Section 213 of the Constitution.

The only argument, seriously proposable, in opposition to the views prevailing with the Justices signatory to the responses and to this opinion is predicable of this theory: amended Section 93 of the Constitution—in which both highway and seaport improvements are treated—refers in such terms to another or other proposals to amend the Constitution formulated and submitted at that special session (1921) of the Legislature that the "Road Bond Amendment" (Acts Sp. Sess. 1921, pp. 36-7), providing for highway, etc., improvement, is to be considered *in pari materia* with the

so-called Port Amendment; and that when considered in that relation, no satisfactory explanation appears for the Legislature's express provision for bond issues to accomplish highway improvements and the absence of such express provision for seaport development; wherefore it should be concluded that in the one instance (highway improvement) credit employment, through bonds, was the intent, and in the other (seaport development) no such intent was entertained; it not being expressly avowed.

The argument is untenable. If as has been stated upon what appears to be conclusive considerations, the Port Amendment expresses the intent ascribed to it, acceptance of the theory summarily recited would involve the ignoring or repudiation of the conceptions that a contrasting of the amendments' provisions for highway improvement *with* those, materially, fundamentally different, introduced to authorize seaport development, inescapably impresses: a process that would admit the merely argumentative to overbear and neutralize the more emphatic, impressive exceptional terms employed in this amendment to authorize seaport development. The conclusion required, as already stated, by the different authorizations in the two exceptional, special circumstances (highway improvement *and* seaport development)—differences that are manifest and actual, not simply inferable or deducible—is founded in impressive fact, and not, as the recited theory would propose, in inference or deduction only. Doubtless the addition to the Constitution of the distinct Article XVIII—The Road Bond Article—was suggested by the design to afford more definite, adequate treatment to the subject of highway improvement, because, among other reasons that might be advanced, of the desire to place beyond all doubt or cavil thereafter the securing for the State's highway system the advantage of Federal Aid to highway construction, etc., provided by the Act or Acts of Congress mentioned in the Alabama Act, adopted at the same Special Session, approved October 31, 1921.—Acts, Sp. Sess. 1921, pp. 54 et seq.

The foregoing are the conclusions upon which the individual Justices, signing below, affirm the validity and effect of the Advisory Opinion Act and respond as respectively specified to the several questions propounded by the Governor on the 20th day of February, 1923.

(Signed):

John C. Anderson,
Chief Justice.
Ormond Sommerville,
Lucien D. Gardner,
Thos. C. McClellan,
William H. Thomas,
As Associate Justices.

ORDER TO PRINT.

On motion of Mr. Long three hundred copies of the Governor's message were ordered printed for the use of the House.

REPORT OF CODE COMMITTEE.

To the House of Representatives of the State of Alabama:
Mr. Speaker:

The Joint Committee of the Legislature of Alabama, appointed by the House and Senate thereof in pursuance of an Act of this Legislature approved January 31, 1923, to read the manuscript of the new Code prepared by Judge James J. Mayfield, respectfully reports as follows:

That soon after your Committee was appointed it organized by electing Hon. Hugh D. Merrill, Chairman; Hon. Henry R. Howze, Chairman pro

tempore; Mr. Oakley W. Melton, law clerk and Mrs. R. P. Coleman, stenographer.

Your Committee reports that it has read every section of the manuscript and compared it with the corresponding section of the Code of 1907, or of the Act of the Legislature which the section codified, and has "revised, amended and corrected it so as to make it a harmonious body of law as nearly perfect as possible," as required by the Act of the Legislature which provided for the creation and appointment of this Committee. Your Committee has incorporated into the manuscript Code all general acts passed by the Legislature at this present session, as required by the Act creating the Committee.

To the end that this might be done in the best manner possible, the Committee instructed the Code Commissioner to codify these general Acts, which he did and changed the manuscript necessitated to be changed by these recent Acts, and reported them back to the Committee, which has considered them in codified form, still further revising and amending the work of the Commissioner, and as revised and amended, the Committee has placed them in their respective and proper places in the manuscript.

The Committee has struck and omitted certain parts, chapters, articles, and sections of the manuscript prepared by the Commissioner whenever in the judgment of the Commissioner such matter should have been omitted from the Code in accordance with the Act providing for the codification of the laws and for the appointment of the Commissioner.

The Committee has also added to the manuscript some sections of the former Code which were omitted by the Commissioner from the manuscript wherever the Committee deemed it proper to retain such matter in the present Code.

The Commissioner and the Committee have omitted from the Code most of the Acts and statutes which by reason of their titles, bodies, nature and character, could apply to but one county, one municipality, or one other political subdivision of the State, though such statutes might, strictly speaking, be classed as general laws. To incorporate all these statutes in the Code would make it difficult, if not impossible, to ascertain or determine what was the general law of the State as to many subjects. Where the Acts thus apply to only one political subdivision of the State, it will be as convenient, or more so, to use the Act itself than to use the codification of it in the Code, and thus prevent confusion and uncertainty as to what territorial division of the State such laws apply.

All of the Acts, however, which could not be considered of a general nature and which, therefore, could not be incorporated in the Code, (the act of the Legislature authorizing the codification only of general laws), have been by section 10 of the Code and by various other provisions in the Code, as well as the Acts of the Legislature providing for the codification of the laws, which we have prepared for the adoption of this Code and for the printing, publication, binding and distribution of the Code, saved from repeal by the adoption of the Code, and therefore will remain in force and be given effect as if incorporated in the Code.

The Committee has not introduced into the Code any new matter which could be considered as wholly new laws or revolutionary; but it has confined its labors to the task outlined to it by the Act which created the Committee. In doing this, however, the Committee has done its best to reconcile all apparent conflicts, and to make definite and certain all ambiguous statutes, by striking out all parts of statutes and parts of the manuscript which were mere repetitions of other provisions and other parts of the Code.

The Committee has found it impossible to report separately or seriatim the various changes or corrections in detail which it has made of the manuscript. This for the reason that most of the changes are verbal, and

in order to show these changes in detail the original statute or manuscript would have to be set out at length and then again the manuscript as revised set out at length, and be compared in order to show in detail the various changes so made by the Committee. This of course would require more time than either the Committee or Legislature has at its disposal; and from an examination of the reports of the various preceding committees which have reported the previous Codes of this State for adoption, we have found that these Committees, like this one, found it impracticable, if not impossible, to note each and all of the changes in detail.

In every instance in which the Committee was satisfied that a statute or a part of the manuscript was in conflict with the provisions of the Constitution, or whenever a statute passed before the present Constitution has been of necessity revised or changed by the new Constitution, the Committee has endeavored to make the statute conform to the Constitution.

The Commissioner has been present with us during parts of our deliberations, and has attended when requested by the Committee so to do. The Commissioner has also furnished us with a printed copy of his report to the Governor and the Legislature, consisting of 185 pages, which report was found to be as full as could be made, and a fair outline of his work.

The Commissioner had inserted a number of new sections, consisting principally of definitions and codifications of some of the principles of the common law of this State, some few of which the Committee approved; but wherever the Committee was doubtful of the propriety or correctness of the new sections, they were stricken out by the Committee.

The Committee desires to take this occasion to commend the able, careful and painstaking work of Judge James J. Mayfield in the preparation of the manuscript for the Code. The Committee was also especially fortunate in having for its law clerk Oakley W. Melton, a member of the House of Representatives, whose accurate and indefatigable labors were of inestimable value to the Committee. The labors of the Committee have been greatly facilitated, and the Committee aided greatly by Mrs. R. P. Coleman, the stenographer, who assisted the Code Commissioner, not only in the preparation of the manuscript of this Code, but also of the Code of 1907. Her familiarity with the various statutes of this State during its entire history, as well as the changes wrought by codification, is nothing short of remarkable and wonderful. This remarkable storehouse of information on the subject with which the Committee was dealing, together with her untiring industry and fidelity to the work, has been of inestimable value to the Committee during its entire labors.

We have prepared and herewith submit a bill for the adoption of this Code and one for its publication, together with the Acts which this Legislature may pass as a part thereof, or to be incorporated therein, and recommend their speedy passage, so that advertisement may be made immediately for bids to publish the Code.

Respectfully submitted,

Hugh D. Merrill,
Henry R. Howze,
R. T. Goodwyn,
F. E. St. John,
Paul O. Luck,
Jacob A. Walker,
Young Wall,
Frank B. Embry,
B. deG. Waddell,
W. C. Tunstall,
Chas. S. McDowell, Jr.,
Emmett F. Hildreth,
Wm. R. Rountree, Jr.

ORDERED PRINTED.

One thousand copies of the report of the Code Committee were ordered printed for the use of the members of the House.

REPORT OF THE JOINT RECESS LEGISLATIVE COMMITTEE ON
EDUCATION.

To the Legislature of Alabama:

The Joint Recess Legislative Committee on Education, appointed under House Joint Resolution No. 16 to investigate the educational institutions and educational system in the State of Alabama and to secure information and facts necessary to enable the committee to suggest such changes relative to educational affairs in Alabama as are necessary to secure a practical and efficient educational system, begs leave to submit herewith its report which covers the entire work of the committee with its recommendations. Bills have been drafted which, if enacted into law, will make such recommendations effective.

ORGANIZATION OF COMMITTEE

The Joint Recess Legislative Committee on Education met in the hall of the House of Representatives on Tuesday, April 16, at 10:00 A. M., all the members being present. An organization was effected by the election of the following officers: Mrs. J. G. Wilkins, of Dallas, Chairman; Senator W. S. McNeill, Fayette, Vice-Chairman; Mr. C. A. Verbeck, of Gadsden, Secretary.

ITINERARY OF INVESTIGATIONS

After a discussion of the general and special activities proposed for the committee in the joint resolution, a program was agreed upon embracing an itinerary covering the State with open and private conferences for hearing interested persons and committees while en route.

The itinerary as planned covered a period of 19 days, during which time the committee visited the University of Alabama at Tuscaloosa, the Alabama Polytechnic Institute at Auburn, the Alabama Technical Institute and College for Women at Montevallo, Class A normal schools for white persons at Florence, Jacksonville, Livingston and Troy, and for negroes at Montgomery, the Class B Normal School for white persons at Daphne, the State Agricultural and Mechanical Institute for negroes at Normal, State secondary agricultural schools at Albertville, Hamilton and Lineville, county high schools in Pike, Baldwin, LaFayette, Marion, Etowah, Chambers, and Jefferson counties, county public schools in Pike, Marion, Etowah, Madison, Chambers, Jefferson and Mobile counties, city schools of Birmingham, Gadsden, LaFayette, Clanton, Mobile, Troy, Anniston, and Bay Minette. The schools and communities visited were selected as typical of conditions throughout the State. Other institutions visited were the Alabama Boys' Industrial School at East Lake, State Training School for Girls at Birmingham, and the Alabama Vocational School for Girls at Woodlawn, all of which are in Jefferson County, and the Academy for the Blind (White), Talladega, Academy for the Blind (Negro), Talladega, and Institute for the Deaf, Talladega.

During the visits to the State institutions observations were made of the physical plants of each. Conferences were held with executive officers, faculty members and pupils. Some of these conferences were held with each group collectively and at other times individual conferences were held. On visits to county and city schools investigations were made not only of the

general physical equipment of the system but also the committee exerted its best efforts to meet and talk with individual citizens in an effort to learn of them the general attitude of the people towards the manner in which the general affairs of such schools are being administered.

From time to time notices were given to the press with information that the committee was on a trip of investigation in the State and inviting any and all citizens to meet with it for the purpose of conferring on educational affairs in general. Considering the amount of time at the disposal of the committee on its trip through the State, these invitations were uniformly accepted.

The itinerary of the committee carried it 1,420 miles by railroad, 599 miles by auto and 34 miles by water. On its trip of investigation the committee visited 69 schools. It is conservatively estimated that 600 persons were in conference with the committee, collectively and individually, while on its trip of investigation.

After the completion of its itinerary the members returned to their respective homes, and on May 21 reconvened in the hall of the House of Representatives in Montgomery for further hearings, deliberations, and the consideration of the sub-committee's report and the bills to be drawn making effective the recommendations contained therein.

COMMITTEE HEARINGS

During the recess taken a general notice was given in the press of the State that during the week of May 21 open session would be held daily by the committee for the purpose of hearing any and all citizens or committees that might desire conferences on matters bearing on education in Alabama. The greater part of two weeks was given to hearing from those interested in the improvement and development of the State's educational system.

During the week the State Superintendent of Education was called before the committee to give information bearing on the school affairs of the State in general, and especially those phases of educational work for which the State Department of Education is held directly responsible by law. He supplied the committee with a detailed statement including descriptive and statistical information, covering the field and office activities of the several divisions of the State Department of Education, a copy of the proposed budget for the next quadrennium approved by the State Board of Education, and in addition numerous supplementary reports bearing on school development and attendance, and containing general information touching on the finances of the past quadrennium.

The committee made careful inquiry of the State Superintendent regarding the general conduct of his office. He, as well as the several heads of divisions of the State Department of Education, were carefully questioned on matters general in character, and inquiry was made in search of specific information bearing on matters to which attention had been called during the itinerary of investigation. The committee also made independent personal investigations of the Department.

FINDINGS OF THE COMMITTEE

After due consideration had been given to all matters presented and an investigation had been made of the general administration of school affairs in the State, as well as the general work of the State Department of Education both in the office and in the field, the committee entered into deliberation looking to the preparation of this report. The report giving findings and recommendations of the committee is arranged under the chapter headings, Elementary Education, Secondary Education, Normal Schools, Institutions of Higher Learning, Special Types of Schools, State Department of Education, School Laws, and Summary. It is believed that this will facilitate the use of the report by members of the Legislature and others who may be interested in the educational welfare of the State.

CHAPTER I

ELEMENTARY EDUCATION

The elementary school is the foundation upon which all subsequent education is built. The first consideration, therefore, must of necessity be given to this part of our educational service. Your committee has felt that any investigation into the educational needs of the State would be superficial and fail to be constructive in character without a rather wide study of the elementary schools. Therefore, careful scrutiny has been made of conditions in these schools and at the same time of the facts relating to the development of this work during the past few years, to the end that your committee might be able to give as comprehensive a report as possible on the conditions prevailing at the present time. The committee visited elementary schools in the following counties: Pike, Jefferson, Fayette, Marion, Madison, Marshall, Etowah, Calhoun, Chambers, Chilton, Tallapoosa, Mobile and Baldwin.

BUILDINGS, GROUNDS AND EQUIPMENT

In a number of the counties visited buildings were seen in use for school purposes that were originally dwellings, churches or abandoned storehouses. These and many of the older types of school buildings are absolutely unfit for such use. They are poorly lighted, have no ventilation except through the cracks, doors and broken windows, and in many instances are little more than wretched hovels. They are without suitable desks for pupils and teachers or any sort of equipment save crude, uncomfortable benches, with an open water bucket and dipper on a shelf in the corner of the room. The surroundings of these buildings as a rule are uninviting with little or no attempt to provide for the physical welfare and comfort of the children.

In happy contrast with these conditions the committee found in every county visited attractive, well planned and carefully constructed buildings. These buildings, except in Jefferson County where a special architect has been employed, were constructed in accordance with the State plans. Communities located many miles from the railroad have provided modern school buildings as a direct result of the State-aid program which provides one-third of the minimum cost of the buildings, and without additional cost to the community furnishes plans and specifications.

Some of the figures taken from reports submitted show a rapid growth and improvement in this important phase of school progress.

SUMMARY OF STATE AID IN THE ERECTION, REPAIR AND EQUIPMENT OF SCHOOL BUILDINGS

	State Aid Available.	State Aid Consumed.	New Buildings.	No. Rooms Estimated.	Estimated Cost.
1915	\$161,572.56	\$ 71,546.13	180	360	\$165,395.00
1916	238,526.70	112,000.00	86	172	153,246.00
1917	320,543.41	51,093.37	92	276	154,373.00
1918	403,449.88	79,436.74	115	345	167,341.00
1919	459,588.18	170,083.00	173	519	610,000.00
1920	216,725.00	145,629.00	115	450	464,660.00
1921	302,058.11	266,490.00	167	668	1,106,120.00
1922	285,789.17	260,799.00	159	548	1,229,250.00
			1,087	3,368	\$3,948,221.00

The foregoing facts are gratifying indeed and evidence the widespread interest the people of the State have shown in the matter of providing for their children wholesome, sanitary and healthful surroundings at school which at the same time are attractive, inspiring and educative. But when it is noted that there are in the State a total of 6,476 schoolhouses and that

only 1,087 new buildings have been erected during the past eight years it becomes manifest that at the present rate many years must elapse before anything like adequate school facilities will be provided for all the children.

The committee, therefore, recommends continued and increasing support of the rural school building program which has made possible the many hundreds of modern schoolhouses in every section of the State.

SUPPORT AND MAINTENANCE, ATTENDANCE AND LENGTH OF TERM

The committee found that the question uppermost in the minds of the people who were interviewed in different sections of the State related to the support and maintenance of the schools. In the rural communities all voiced the great need and desire for sufficient funds to make possible longer terms and the employment of better trained teachers in their schools. The salaries of teachers in rural schools visited by the committee ranged from \$40.00 per month in some of the smaller isolated places, and this for only a short term of four or five months, to \$200.00 per month paid the principal of the larger consolidated centers where the school term is for a full nine months.

The people of Alabama have been increasingly generous in their support of education, as shown by the figures given below.

SUMMARY OF EXPENDITURES FOR EDUCATION BEGINNING 1914-15 (Including expenditures for elementary and secondary schools)

1914-15.....	\$4,915,438	1918-19.....	\$7,359,840
1915-16.....	5,051,623	1919-20.....	9,536,746
1916-17.....	5,033,961	1920-21.....	12,659,232
1917-18.....	6,433,707	1921-22.....	14,924,324

The most significant observation which a cursory examination of these figures reveals is the rapid increase each year since 1917. It was during this year the first tax levies were made under the local tax constitutional amendment adopted November, 1916. While the State appropriations increased its support of elementary and high schools 70.6 per cent between the years 1917 and 1921, the county and district support was increased 330.6 per cent. (See page 27, Annual Report State Department of Education, 1921.) During the same period the elementary school enrollment in Alabama has increased from 439,768 in 1915 to 545,206 in 1922, an increase of 24.0 per cent, and the high school enrollment in Alabama has increased from 22,444 in 1915 to 47,404 in 1922, an increase of 111.2 per cent.

No state in the nation has been increasing its support to the public schools, relatively speaking, more rapidly than Alabama. It is a compliment to the patriotism and love of children on the part of the rank and file of the citizenship of the State. It is very evident that when the taxpayers of the State are given an opportunity to increase the educational advantages of their children they do not hesitate to vote upon themselves additional tax burdens when the bearing of these burdens means better schools.

An examination of the reports show that the average school term for the State has increased from 121 days in 1915 to 141 days in 1922. Under the Constitution the State funds are apportioned to the counties on a school population basis. To this fund is added the county funds, which is further supplemented in many instances by a district tax. In the year 1922 the

State funds amounted to.....	\$4,555,626
County funds	4,074,882
District funds	2,204,459
Matriculation and incidental fees, etc.....	966,271
Loans, bond sales, etc.....	1,511,841
From all other sources.....	1,711,045

Total.....	\$14,924,324
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This total amount constituted the moneys available for the operation and maintenance of the public elementary and high schools of the State for that year. Reports furnished the committee show that the per capita cost of elementary education per pupil enrolled varies from \$36.60 in Greene county to \$7.51 in Randolph county.

WHITE SCHOOLS

Counties Ranked on Basis of Per Capita Expenditures for Elementary Instruction 1921-2

1. Greene	\$36.60	35. Escambia	13.85
2. Sumter	34.07	36. Houston	13.75
3. Lowndes	32.89	37. Morgan	13.65
4. Dallas	32.85	38. Crenshaw	13.48
5. Russell	31.13	39. Colbert	13.12
6. Jefferson	30.94	40. Henry	12.96
7. Marengo	30.20	41. Lauderdale	12.65
8. Bullock	30.01	42. Coosa	12.55
9. Hale	29.39	43. Limestone	12.53
10. Montgomery	29.12	44. Fayette	12.46
11. Mobile	28.53	45. Pike	12.19
12. Macon	27.33	46. Tallapoosa	11.78
13. Wilcox	26.64	47. Madison	11.72
14. Perry	22.70	48. Lawrence	11.49
15. Lee	20.97	49. Chilton	11.06
16. Pickens	19.65	50. Coffee	11.03
17. Autauga	17.40	51. Marion	10.69
18. Clarke	16.60	52. Franklin	10.46
19. Bibb	16.13	53. Lamar	10.29
20. Baldwin	16.04	54. Dale	10.08
21. Tuscaloosa	15.93	55. St. Clair	9.58
22. Conecuh	15.91	56. Covington	9.55
23. Talladega	15.59	57. Cleburne	9.34
24. Chambers	15.57	58. Winston	9.26
25. Monroe	15.49	59. Geneva	9.21
26. Barbour	14.95	60. Walker	9.06
27. Choctaw	14.70	61. Cullman	9.04
28. Shelby	14.62	62. Cherokee	8.84
29. Elmore	14.56	63. Marshall	8.66
30. Butler	14.50	64. Blount	8.09
31. Washington	14.35	65. Jackson	8.08
32. Calhoun	13.90	66. DeKalb	7.69
33. Clay	13.90	67. Randolph	7.51
34. Etowah	13.90		

Average	\$15.46
Average for cities	24.32
Average for rural schools	13.25

The mere examination of this table showing the widely divergent amounts available is sufficient evidence of the inequality of educational opportunity in the several counties of the State. Below is given a list of the counties whose school terms were less than seven months during the year 1922. The counties are arranged in the order of length of term, the county with the shortest being first.

Lamar	Washington	Tuscaloosa	Pickens
Cullman	Baldwin	Cleburne	Pike
Marion	Coffee	Covington	Clay
Randolph	Conecuh	Franklin	Colbert
DeKalb	Tallapoosa	Lawrence	Limestone
Winston	Chilton	St. Clair	Madison
Blount	Monroe	Marshall	Choctaw
Fayette	Morgan	Dale	Autauga
Cherokee	Walker	Coosa	Houston
Crenshaw	Calhoun	Jackson	Lee
Geneva	Henry	Lauderdale	Escambia
Shelby			

It will be noted that forty-five counties have been named. In all of these counties the three-mill tax is being levied and in a majority of them the one-mill constitutional tax has also been utilized for the support of the schools. It will be found also that the three-mill district tax is being levied on more than half of the property in these counties. These facts are stated here in order to make clear that if free public schools are to be maintained for a length of term sufficient to give the children of these counties opportunity such as they are entitled to it will be necessary to find ways and means of increasing the amount of funds available for the operation and maintenance of the schools in these counties.

A very important matter vitally connected with this whole question of improving the schools is that of attendance. When the owners of property are required to provide through a system of taxation means for the operation and maintenance of schools a necessary corollary is that the children have opportunity to attend regularly, and that the same general principal which would make it mandatory on the part of the property holders to pay taxes would make it mandatory on the parent to see that his child attends school. It is therefore keenly disappointing to observe in the records submitted for the consideration of the committee that the enrollment in the various public schools of the State is less than 70% of the school population and that the actual attendance is only slightly more than 70% of the enrollment. However, there is evidence that the situation is changing gradually for the better, due to the fact that the percentage of attendance has increased materially in the last five years. An intelligent but effective enforcement of the compulsory attendance law will, it is believed, eliminate this serious lack of efficiency in the operation of the public schools.

TEACHERS

A large number of the country schools visited had already closed. Beautiful buildings were in use only five or six months in the year. The teachers of these schools for the most part find it necessary to engage in other occupations during the vacation season, which is much longer than the school term. While the committee did not have sufficient time and was not prepared to pass upon the character of instruction, still it is clear that it is impossible for teachers to render the highest type of service under such conditions. On account of the law of supply and demand the better trained teachers naturally go to the cities and towns, while the more poorly equipped teachers are employed to instruct the children in the country schools. We find that we have in Alabama 6,485 white teachers in the public schools with second or third grade certificates. A great service is being rendered these teachers at the present time by the normal schools through extension and summer school work. Along with the improvement needed in increasing the length of school terms and providing additional means for this should come the provision of ample opportunity for study and improvement for this large body of teachers who lack definite preparation for the work of instructing the children.

CITY ELEMENTARY SCHOOLS

Elementary schools were visited in town and city communities as follows: Birmingham, Fayette, Huntsville, Gadsden, Anniston, LaFayette and Mobile. In all of these communities the length of school term is nine months. However, it was found that in Birmingham a lack of school accommodations has made it necessary to operate a double session schedule each day in many of the schools. In other words, one group of children attend school in the forenoon while another attends in the afternoon, using the same room. This condition was also reported to exist in other cities of the State. Such conditions are to be deplored and certainly are not conducive to proper development and growth of the children. This general lack of facilities and over-crowding appears to be prevalent in every urban community visited. The hearings held in these communities on the subject of local needs in every instance brought out the fact that school authorities were laboring under serious handicaps, that successful work is impossible for many teachers and children on account of the over-crowded and in many instances unsanitary conditions. The many buildings used temporarily for school purposes are wholly unfit for such service and cannot fail to bring into discredit the civic ideals of the communities involved. Some measure of relief should be provided for the urban communities of our State, which are increasing in population more rapidly than they are increasing in tax values.

CHAPTER II

SECONDARY EDUCATION

The maintenance of a system of high schools is recognized by the committee as vital to a well rounded educational program. The significance of this statement is fully grasped when it is considered that the high school enrollment in Alabama four years ago was approximately 27,000, while the session just closed shows an enrollment of 52,000 with fully 6,000 completing high school courses of study in accredited institutions.

TYPES OF HIGH SCHOOLS

Instruction of secondary grade is being given in four distinct types of schools as follows: county, rural, and city high schools, State secondary agricultural schools, and in addition county training schools for negroes. The courses of study are more or less uniform in each. Especially is this true of the fundamentals—English, history, mathematics, and science. There is, however, a difference in the scope of work in the several types, and there is a variation in the method of control.

County high schools are taught in State-owned buildings and are governed by county boards of education under rules and regulations set up by the State Board of Education with limited power reserved to the State board by law.

Those high schools in rural sections or in municipalities of fewer than 2,000 people are classified as rural. The affairs of such schools are administered by county boards of education, except that those schools located in incorporated towns of between 1,000 and 2,000 people may come under the control of school authorities of such towns by the prescribed legal steps as set forth in section 1, article 8 of the School Code.

Many rural schools offer both high school and elementary instruction. A number of the large type rural schools, and especially consolidated schools, have met all requirements for high school accreditation.

City high schools are a part of the city school system in municipalities of over 2,000 people. The affairs of such schools are administered by boards of education selected by the city councils or city commissions.

The system of State secondary agricultural schools is under the direct control of the State Board of Education, the affairs of such schools being administered by the State board.

County training schools for negroes are institutions offering not more than two years of high school work. They are created to provide industrial courses and to afford opportunity for training teachers. They are maintained in part through a co-operative arrangement between the State Board of Education administering General Education Board and Jeanes funds, and county boards of education.

High schools of any of the above mentioned types, except county training schools for negroes, are accredited when standards of physical equipment, library, teaching force, course of study, and length of school term are maintained. The State Department of Education is the accrediting agency. The standards prescribed are not so high as those maintained by the Southern Association of Colleges. A lower standard is maintained at this time because it is desired to encourage and assist in every way the development of standard high schools for the rural population. In this connection the attention of the committee was called to the fact that over 17,000 of the 20,000 high school pupils, not including those enrolled in city high, county high and agricultural high, are attempting secondary work in unaccredited schools.

All matters relating to secondary education are handled by the State board through the Division of Secondary Education, except that the Division of Vocational Education is held responsible for the supervision and direction of the State secondary agricultural schools. Vocational courses are especially stressed in these institutions.

COUNTY HIGH SCHOOLS

According to statistical information secured from the State Department of Education, there are 61 county high schools in operation in Alabama at this time. All counties of the State, except Bullock, Greene, Mobile, Montgomery, Russell, and Tuscaloosa, are provided with such institutions; however, one is being organized in Montgomery county for the coming year. The total enrollment of the 61 schools for the fiscal year just closed was 9,040, the number being about equally divided between the sexes.

The property valuation of the schools of the system is \$1,547,617.00. The annual appropriation to each county high school is \$3,000.00 with an additional maximum available appropriation of \$1,000.00, all or any part thereof to be paid to any school for which the county board will provide funds from public or private sources to match the State fund. The total expenditures in county high schools for the fiscal year ending June 30, 1923, was approximately \$525,000.00, of which amount \$238,521.00 was directly appropriated from the State treasury.

Statistical information covering receipts, disbursements, and enrollment of the county high school system for the quadrennium 1918-1919 to 1921-1922 is given in the accompanying table.

RECEIPTS

Year.	State Appropriations.	County Board Appropriations.	All Other Sources, Balances, City Appropriations, Co. Board of Revenue, Fees, Plays, Etc.	Total
1918-19	\$171,000	\$ 41,484	\$ 55,122	\$267,605
1919-20	171,000	69,428	90,848	331,276
1920-21	217,625	124,326	122,326	464,277
1921-22	233,000	111,755	146,142	490,897

DISBURSEMENTS

Year.	Expenditures			Total.
	Salaries of Principals and Teachers.	Fuel, Water, Light, Power, Insurance, Equipment, Repairs, Balances, Etc.	all Other Purposes: Janitors,	
1918-19	\$210,613	\$ 56,992		\$267,605
1919-20	243,891	87,585		331,276
1920-21	336,921	127,356		464,277
1921-22	376,137	124,760		490,897

ENROLLMENT

Year.	7th Grade.	I H. S.	II H. S.	III H. S.	IV H. S.	Total I-IV	Grad- uates.
1918-19	528	2,167	1,473	1,126	835	5,601	627
1919-20	602	2,274	1,834	1,287	950	6,345	804
1920-21	677	2,413	1,991	1,471	1,036	6,901	876
1921-22	645	2,634	2,276	1,823	1,418	8,151	1,285
Gain 1921- 22 Over							
1918-19	22.1%	21.1%	53.7%	60.8%	70.7%	45%	104.9%

The itinerary of the committee made it possible to visit the county high schools at Brundidge in Pike county, Guin in Marion county, Attalla in Etowah county, Milltown in Chambers county, Fayette in Fayette county, and Bay Minette in Baldwin county. Each of these schools was in session on the occasion of the committee's visit and whereas the time spent in any one of the high school communities was of necessity limited, opportunity was afforded the committee to see the student body and observe the physical plant and complete equipment of each school. Observations made, supplemented by information obtained from county school officials, high school teachers, and from interested citizens who were interviewed, prompt the committee to say that the needs of these schools are by no means being met.

The attendance of county high schools is not limited to local communities; frequently they draw pupils even from neighboring counties. The buildings visited were crowded, the teaching force entirely too limited, and equipment meager; many buildings are greatly in need of repair, and the need for additional funds is common to all. Such conditions, according to information secured by the committee, are typical of conditions existing in a large majority of other county high schools in the State.

Since the State's program of education provides for a system of county high schools as a means of offering secondary education to the children of the counties in which they are located and who will avail themselves of the opportunities offered, the committee is convinced that the instruction should be adequate for the thorough training of those attending these schools. The committee is also convinced that the State-owned property of these schools, amounting to more than \$1,500,000.00, should be cared for in such a way that loss will not be sustained through general deterioration or otherwise, because of lack of funds for keeping the physical plants in good condition.

The committee is of the opinion that school athletics should be regulated by controlling boards of education by setting up standards of scholarship in individual schools to be attained by pupils engaging in interscholastic contests, and by limiting the number of such contests and time spent away from school to participate therein. This recommendation is made because the complaints made in some quarters of the State lead the committee to the conclusion that athletics are encroaching on school time which could and should be more profitably spent.

In order that the immediate and pressing needs of the county high schools may be met, the committee proposes the following:

(a) That the conditional annual appropriation of \$1,000.00, with the contingent appropriation of \$500.00 which has not yet been released, be increased to \$3,000.00, thereby giving additional aid to those county high schools which are in need of such assistance and are willing to meet the State half way in supplying these needs.

(b) That the fund for the erection, repair, and equipment of rural schoolhouses be made available for the repair and equipment of county high schools under the same conditions and for the same amounts as in the case of rural schoolhouses.

RURAL HIGH SCHOOLS

These large type schools in rural communities or in municipalities of less than 2,000 people which offer both elementary and high school instruction usually in the same building, together with those districts which have a large high school population with no well defined course of instruction, present the great problem in high school education from the committee's view point.

The committee's itinerary carried it to several such schools, among the number being the following: Springhill, Pike county; Wigginton, Bryd and Hackleburg, Marion county; Central Consolidated, Riverton, New Market, Madison county; Gaston Consolidated and Glencoe, Etowah county; Mumford, Talladega county; Five Points Consolidated, Shawmut, Langdale and Fairfax, Chambers county; Jemison and Verbena, Chilton county; Alliance, Jefferson county.

Fully appreciative of the progressive spirit of the citizens of all communities visited where modern school plants have been constructed, your committee desires to depart from the policy adopted in writing this report and commend the West Point Manufacturing Company, which operates a chain of cotton mills in Chambers county, and several corporations in Jefferson and one or more in a few other counties, for their interest in the education of the children of their employees. This interest is evidenced by the splendid school structures which they have erected and equipped, and by the liberal policy of giving financial assistance to county boards of education for maintenance purposes.

The schools of the districts in which such corporations are interested are well manned, properly supervised, housed in modern buildings, and maintain nine-months' school terms. This consideration given public education by such corporations indicates that big business recognizes the importance of education and realizes that money invested therein will give returns in contentment and efficiency of their employees. This foresightedness on the part of big business should excite the emulation of the State of Alabama, the one corporation in which every citizen is a stockholder.

The school plants in the districts visited gave evidence of unusual interest in education. Buildings have been constructed at several of these places at a considerable financial sacrifice on the part of the patrons of the individual schools. After the full amount of district tax has been voted in many districts and the county board had made the largest possible appropriations to such schools, the funds then available were still inadequate for the construction of a building sufficiently large and suitable to meet the district's needs. As a consequence, a great part of the burden of completing the building fell on a few individuals. These almost invariably "gave until it hurt" and later found themselves burdened with obligations almost impossible to meet.

The buildings being completed and equipment purchased in such districts, maintenance of the schools continued to present an annual problem to interested patrons. With all district tax funds pledged for a period of years to pay for the construction of the building, with the total donations from county boards of education insufficient to maintain a school term in

many instances of even less than six months, and with an ambition to maintain an accredited high school of nine months, many communities have assumed and are continuing to assume obligations that are proving burdens to them. As is so often the case in such instances, dissatisfaction with school conditions has followed. This dissatisfaction often results from a desire on the part of parents to secure superior school advantages for their children, which when secured, prove financial burdens many are unable to bear. This condition seems to be State-wide and relief is needed. The committee is of the opinion that at present many districts are straining themselves to provide accredited high school facilities. This is commendable, but the development of accredited high schools should not be made at the expense of the elementary grades, which are fundamental to an efficient school system.

Your committee is of the opinion that county boards of education are in need of assistance and guidance in furthering, directing and supervising high school development under their jurisdiction similar to that now given in the case of county high schools. The demand for such service is already so great that the State Supervisor of Secondary Education informs the committee that more calls already come for assistance of this sort than can possibly be met with the present force.

With the view of placing high school education within the reach of every boy and girl who completes the elementary course of study, the committee recommends that a high school fund of at least \$300,000.00 be made available for such purposes, the same to be appropriated to the several counties on an equitable basis to be used for furthering high school education in those districts in need of such fund. The committee is of the opinion that such appropriations will give relief to deserving districts which are willing to help themselves.

CITY HIGH SCHOOLS

The city high schools are crowded to their full capacities. Additional buildings and equipment is a universal need with them. Complaint is made that the teaching force is inadequate and underpaid. Unquestionably, the one pressing handicap is the lack of funds. The committee is convinced from observations made and from information secured through inquiries made of interested citizens, school and city officials in such cities, that more money is needed. If additional public funds are made available, the city schools, both elementary and secondary, should receive the relief of which they are now so much in need.

STATE SECONDARY AGRICULTURAL SCHOOLS

The schools at Hamilton, Albertville, and Lineville were visited by the committee while making investigations of educational institutions in the State; except at Lineville the work of the year was already finished at the time of the visit.

There are ten State secondary agricultural schools. Each is offering courses in vocational agriculture, vocational home economics and general science. Three of the schools offer a foreign language course. However, such language course is maintained by the communities in which the schools giving them are located. Statistical information given below was compiled by the State Department of Education on request of the Recess Committee on Education. It shows the enrollment by schools for the present fiscal year. Pupils living as far as three miles from the communities in which the schools are located are classified as non-residents.

School.	Enrollment.			Non-Resi-		Non-	
	M.	F.	Total.	dent Attendance.	F.	Resident Percent-	age.
Abbeville	72	79	151	23	22	45	29.9
Albertville*	230	117	347	145	33	178	51.0
Athens	104	145	249	57	88	145	54.8

Blountsville	88	95	183	54	52	106	57.9
Evergreen	66	113	179	5	9	14	7.7
Hamilton*	209	96	305	116	37	153	50.0
Jackson	64	73	137	35	36	71	51.8
Lineville	88	116	204	26	29	55	26.5
Sylacauga	94	127	223	38	55	93	41.7
Wetumpka	96	104	200	48	61	109	54.5
Totals.....	2,163			959			44.3

Forty-seven counties of the State are represented in the enrollment of the ten schools. A study of the table shows that the influence of a few of these schools is not being greatly felt outside of the counties in which they are located. The committee is of the opinion that some of these schools are rather poorly located to serve as centers for instruction in agriculture. It is also of the opinion that the incorporation of vocational courses in the curricula of these schools has done much to make them function along agricultural and home-making lines, as was the purpose of the original law creating the schools.

The committee was favorably impressed with farming activities on the farms both at Hamilton and Albertville. The farming enterprises at both places are commanding the respect of local farmers. The school at Lineville has only eight acres of land for farming purposes and is thereby handicapped. Judging from the limited areas owned by some of the other schools and from information secured on inquiry about their farming operations, there are doubtless other school farms that are ineffective.

Through a co-operative arrangement with the State Board of Education, the Veterans' Bureau is utilizing the schools at Albertville and Hamilton as training centers for ex-service men. One hundred and seventy-nine trainees have been enrolled at these two institutions during the past school year.

Formal endorsement was given a resolution passed by the Joint Recess Legislative Committee on Agriculture which bears on vocational work in the agricultural schools and in other schools offering vocational courses. The resolution as endorsed by the Committee on Education is as follows:

"Be it resolved by the Joint Legislative Recess Committee on Agriculture:

"First, That we endorse the vocational educational program now in operation in Alabama, and that we especially commend the vocational type of instruction being given in the State secondary agricultural schools in both agriculture and home making.

"Second, That it is the opinion of the committee that agricultural instruction now being given by vocational teachers, who are trained both in theory and practice of agriculture and who are teaching the subject in the class rooms and supplementing such teaching by actual farm work at the homes of the pupils enrolled and who are organizing and teaching classes of adult farmers along vocational lines, will result in improving the methods of farming and tend to hold the youths of the rural sections of the State on their home farms.

"Third, That the committee believes the vocational method of teaching the art of home-making is fundamentally right and when introduced into all of our schools together with evening instruction made possible for adult women in rural communities will go far towards bringing to Alabama homes better economic conditions and a greater degree of happiness and contentment."

On invitation of the citizens of the Alliance school district in Jefferson county, the committee visited that school. Formal request was made that

*The above figures include 93 ex-service men enrolled at Albertville and 86 ex-service men enrolled at Hamilton.

the committee recommend the establishment of a State secondary agricultural school at that place. The cause was advocated by a number of local citizens as well as interested persons in other sections of Jefferson county. The committee was favorably impressed with Alliance as a suitable place for such a school and endorses the establishment of a State secondary agricultural school in the Ninth Congressional District.

The committee recommends:

(a) That if it is consistent with the State's income for the next quadrennium, the schools' need of annual increased appropriation for maintenance be duly recognized, and if an additional annual appropriation be made to these schools, it be made contingent on the construction of dormitories by local communities.

(b) That a State secondary agricultural school be established in some agricultural community in the Ninth Congressional District.

COUNTY TRAINING SCHOOLS FOR NEGROES

In a large number of counties in the State with large negro population there are county training schools for the purpose of giving junior high school courses of instruction to negroes of high school grade. These schools offer courses leading to the preparation of teachers for low grade certificates and courses in agriculture and home making.

The General Education Board co-operates with county boards of education in the construction of buildings and maintenance of the institutions provided recognized standards of physical equipment as well as an approved number of teachers are maintained. County training schools are in operation in Alabama in the following counties: Autauga, Baldwin, Bibb, Chambers, Clarke, Coosa, Coffee, Conecuh, Hale, Henry, Lowndes, Mobile, Pickens, Randolph, Sumter, Tuscaloosa, and Walker.

The following conditions are imposed on county boards of education in the recognition of county training schools for negroes: A school building of four classrooms with a work room for girls, and a vocational building with classrooms and wood and iron shops for boys; an annual appropriation of not less than \$1,000 for the payment of teachers' salaries; a faculty of not fewer than four teachers employed for work in regular branches for not less than eight scholastic months each year; suitable equipment for the girls' work room and the shop building for industrial work for boys.

The State Board which administers the John F. Slater, Julius Rosenwald, and Anna T. Jeanes trust funds, and the State and Federal Vocational Education funds gives assistance in the construction and equipment of buildings and in the payment of salaries of teachers.

CHAPTER III

NORMAL SCHOOLS

The committee visited all of the normal schools of the State, the Class A normal schools located at Troy, Jacksonville, Florence and Livingston, the Class B normal school located at Daphne, and the Normal School for Negroes located at Montgomery.

PHYSICAL PLANTS

At every one of the Class A schools visited crowded conditions exist, but not to such a great extent at Livingston. This school, however, had a capacity attendance. The president stated that on account of the inability to find boarding accommodations in the town it had been necessary to limit the attendance to the dormitory facilities provided for his institution. The physical plants of all of the Class A normal schools are poorly arranged and on the whole inadequate for the purposes used. Modern training schools have been constructed recently at Jacksonville, Livingston and Florence. The presidents of these institutions stated that these buildings are totally

inadequate for training school purposes, providing accommodations only sufficient for the first six elementary grades. The school plant at Troy, located as it is right on the railroad, is to be abandoned as soon as means are provided for the erection of new buildings on the recently acquired site located a mile distant from the present buildings. The training school building is in course of erection on this new site, the funds for which were appropriated by the Legislature of 1919. These institutions have more than doubled in attendance during the past three years and are seriously handicapped through a lack of facilities. During the regular term, summer quarter and extension work more than half the white teachers of the State are served by these schools. No greater compliment could be paid to these institutions than is evidenced by the fact that literally hundreds of the teachers of the State are willing to live crowded in the cramped quarters, tents and poorly arranged rooms which must be resorted to by the institutions, as well as in private homes, in order to avail themselves of the opportunity of pursuing courses which will add to their efficiency as teachers in the public schools of the State. Lack of classroom, laboratory, library and dormitory facilities at these institutions constitutes one of the most serious barriers to the improvement of the work of teaching in the elementary schools. In order to have better teachers opportunity must be afforded young men and young women to attend normal school with modern school plants in which the regular work may be carried on and at the same time make attractive and wholesome the life of the student body while engaged in preparation for the teaching profession.

ATTENDANCE

The attendance at the Class A normal schools has more than doubled in the last three years. This increase has come without a corresponding increase in the facilities for carrying on the work. The following example, which is typical, will show something of the increase in these schools:

Troy:	
1919-20	534
1920-21	849
1921-22	1,123

The regular session attendance at Troy has advanced from 277 in 1920 to 542 in 1923, practically a hundred per cent increase. The summer school attendance at this institution has increased from 257 in 1920 to 721 in 1922, with an outlook for an even larger summer school attendance for the current year.

At the Florence Normal School we find an enrollment during the regular session of 606. The enrollment for the summer school of 1922 was 947, making a total enrollment during the past twelve months of 1,553.

The increase in attendance at Jacksonville is correspondingly as great, while that at Livingston, as above stated, is limited on account of the lack of boarding accommodations in the town.

The above given figures on attendance are exclusive of pupils enrolled in the training schools.

EXTENSION WORK

The extension work at these institutions has had phenomenal growth since its inauguration three years ago. Instructors from these schools go to the various counties organizing in convenient locations classes with which they meet periodically from eight to twelve times during the school session. The instructor from the normal schools organizes a class which affords the teacher opportunity to study under the guidance of an expert the school problems in which he is engaged every day in his regular duties as a classroom teacher. At the same time the work is so organized as to represent the equivalent of a residence course, for which the institution gives full

credit should a teacher securing the credit desire to attend the institution and work for a diploma or a degree. More than 3,000 teachers have been engaged in the extension work during the present year, and the calls for this character of assistance show that only a beginning has been made. The only support given this service is a small amount appropriated by the State Board of Education and the incidental fees collected from the teachers.

TEACHING STAFF

While the handicaps of the normal schools are great on account of lack of dormitories, classrooms, etc., perhaps the greatest and most serious limitation is in the smallness of the teaching staff. At every one of these institutions it was found that the instructors were uniformly under the necessity of teaching a larger number of classes and a larger number of students per class than standard conditions allow. In a great many instances instructors in these schools are carrying fifty per cent above the regular assignment. This cannot continue for any great length of time without lowering the efficiency of these schools to the point where the service will be seriously affected. In order to develop the extension work and make most effective the work in residence, the faculties of these institutions would have to be increased fifty per cent, and in the last analysis this would be economy in view of the larger service which would be possible to the elementary schools of the state.

The summer schools at these institutions have been carried on by order of the State Board of Education but without any appropriation for maintenance. It has already been brought out that this is also true in regard to the extension work. If these schools are to thrive and function with a proper degree of efficiency it is absolutely necessary to immediately provide them with funds to carry on these two types of service. So very pressing is the need for relief in regard to the summer schools that unless means are provided to take care of the expenses of the summer session these institutions will be seriously involved. These summer sessions, originally begun on a small scale as an experiment, have developed to such an extent that in spite of the limitations of all expenditures to the barest necessities these institutions are being forced into debt to provide each summer for the thousands of young men and women who come for training.

CLASS B NORMAL SCHOOL AT DAPHNE

The plant of the Daphne Normal School is very poorly suited for such an institution. An abandoned courthouse and jail constitute the buildings available for its use. The president stated that 48 normal school students were in attendance. The committee has come to the conclusion that the operation of a normal school at this point is not practicable or feasible. The fact that there are insufficient facilities for training school purposes would make it unwise for the State to invest money in a normal school in an inaccessible location like Daphne. Since the present school is doing little more than high school work it is the judgment of this committee that the normal school work at this institution be abolished. Persons desiring to teach who live in this section of the State find it convenient to attend other normal schools already well established and doing successful work. To continue to invest funds for a teacher training institution in an isolated location such as Daphne is, in the judgment of this committee, nothing less than a dissipation of the State's resources which are in sore need of conservation in order to meet the pressing claims of other institutions more firmly established and more fortunate in location.

THE NORMAL SCHOOL FOR NEGROES LOCATED AT MONTGOMERY

The location of the Normal School for Negroes at Montgomery appears to be very fortunate indeed. It is in the center of the colored population of the State and in a community deeply concerned in the success of the right

kind of negro education. This institution has an enrollment of 762 for the current year and for the summer session of 1922, 670. The extension service of this school during the past year reached 644 teachers. The regular normal school department of this school has just recently been organized, while the work in the senior high school in which teacher training instruction is given has been adjusted so as to give the most serviceable training to students who are to teach in the negro schools of the State. No greater evidence of the service of this institution can be found than in the fact that it has enrolled students from 56 counties of the State, representing practically every county in which there is a considerable negro population. The plant at this institution is entirely inadequate, inasmuch as this school must serve all the negroes of the State, who represent about two-fifths of the population. Classes are much more crowded than in the white normal schools. The teachers have heavy loads as instructors, making impossible satisfactory daily preparation. Laboratory and library facilities are almost non-existent. While a new dormitory for girls has been provided the school is in sore need of additional boarding facilities. The problem of providing for this institution is one which has to be faced by the present Legislature if this type of educational service to the negroes is to be developed and maintained.

CHAPTER IV

INSTITUTIONS OF HIGHER LEARNING

The matter of providing adequately for the higher education of the youth of the State has been more carefully considered in the past few years perhaps than at any other period during the history. The rapid increase in attendance at the University and at the Alabama Polytechnic Institute has brought to every thinking citizen of the State the crying needs of these institutions. Since it was brought out in the hearings at the Alabama Technical Institute and College for Women that many hundreds of girls are being forced to leave the State in order to have the opportunity for higher education, it behooves every patriotic citizen to be deeply concerned about the facilities for educating young women.

The authorities of these institutions are to be commended for their efforts to provide opportunity for worthy boys and girls to earn funds with which to defray their expenses while attending school. It was brought out in the hearings that hundreds of young men and young women students are dependent upon their own resources. Advantage is taken of every worthy means of earning money by these aspiring young people. The State can well afford to make an investment in the development of this practically unlimited supply of potential energy which should be released for the up-building of our commonwealth.

The drives for funds for the University and Auburn were not only of value to the institutions in the amounts pledged but the information which was given to the public through the press and at the numerous gatherings as well as by personal interviews has brought about a fuller recognition on the part of the people of their responsibility for providing educational opportunity for the thousands of ambitious boys and girls who aspire to places of leadership in the affairs of our own State and nation. A failure to recognize and to provide adequately for this type of education will make it necessary for many of them to leave their own state for life preparation, while for a large number it will mean the closing of the door of opportunity if the State fails in the crisis which in reality exists at the present time. Other states will send the products of their institutions into Alabama to assume places of leadership in business, professional and commercial affairs.

We have been told over and over again of the boundless natural resources of our State, of its strategic position for present and future development of manufacturing enterprises, of the high and splendid quality and character of its citizenship. All of these potential advantages will not enable the State to take and maintain its place in the vanguard of progress un-

less the citizenship supports an adequate program of education for the boys and girls of today who are to be the men and women of tomorrow—a school system which lays the necessary foundation in the elementary grades and continues with ever broadening opportunities for culture and vocational preparation through the secondary schools with full and generous provision for academic and professional courses in the State-supported institutions of higher learning.

UNIVERSITY OF ALABAMA

The committee visited this institution and had the opportunity of looking over the plant and equipment and to note the general character of the service being rendered the State. In the hearings held it was brought out that the support of the institution came from State appropriations and from the interest on endowment funds, together with the small appropriation from the General Education Board to supplement the salaries of teacher. For several years the institution has been co-operating with the Federal Veterans' Bureau, assisting in the rehabilitation of the veterans disabled while in the service of their country in the World War. The amount of funds from this source, however, is diminishing and the president stated it would soon become a serious financial burden to the institution to carry on the work unless means were taken to increase the number assigned for training. The dormitory facilities of the University are inadequate. There are probably less than half enough classrooms, laboratories and library facilities. In many classes the number is so large as to make it necessary for pupils to sit in the windows. The average size class was reported to be more than fifty. Such conditions as this make practically impossible anything like satisfactory classroom instruction.

What is of even graver and more serious concern is the fact that a very large percentage of these classes is taught by immature instructors and assistants who have had no experience and only the most meager preparation. The first and most important prerequisite for success in any institution for the training of youth is well qualified teachers. Many limitations in the way of equipment and facilities generally may be overcome, provided the students have an opportunity to be instructed by a real teacher who is a scholar and a student and who is master of the subject he presents.

It would seem, therefore, that the first need to be met would be providing a more mature and better trained group of instructors. This is not said with any idea of discounting the splendid training and professional equipment of the professors who are employed in the University. It applies to the many assistants who, on account of the large enrollment, are employed in order to meet even in this unsatisfactory way the demands made upon this institution by the people for the training of their sons and daughters.

ALABAMA POLYTECHNIC INSTITUTE

This institution, located at Auburn, has even less in the way of physical plant than the University. While the buildings were in as good condition as it is possible to maintain them, the best interests of the State in a number of instances would be well conserved if certain of the buildings could be abandoned or replaced with modern up-to-date structures. The support of this institution is largely from the State, supplemented by Federal grants. The extension service of this institution is separate and apart from the college proper and is not provided for by the same appropriation. The Smith-Lever Act provides Federal funds for the extension service, which must be matched by approximately an equal amount from the State treasury. This institution also has an appropriation from the General Education Board for the supplementing of teachers' salaries, which is discontinued July 1st.

The committee found the classes crowded, lack of classroom and laboratory facilities, and perhaps the greatest of all, a lack of dormitory facilities. The increased demand upon this institution made for providing educational

training for young men and young women has brought to it many more students than can be properly instructed by the regular professors. It has, therefore, been found necessary to employ young and immature persons to fill positions as assistants and instructors, etc. The work of the institution cannot, in the circumstances, be up to the high standard which should be maintained in the institutions of higher learning of the State. What has been said in reference to the University is equally true of this institution. While its lack of physical plant is appalling the first consideration should be given to the matter of providing a better trained faculty. It is unnecessary to repeat that this criticism does not apply to the large number of professors who have contributed and still are contributing so much to the success of this institution.

ALABAMA TECHNICAL INSTITUTE AND COLLEGE FOR WOMEN

This institution, located at Montevallo, while not crowded still was practically running at full capacity. There were over 400 students enrolled with a small percentage of these in the high school department. This institution has since its establishment been operated as a junior college until recent years. At present it is in the transition period and it is proposed at its next session to go on the full four-year college basis. In addition to this it is proposed to continue some five or six two-year courses for which diplomas will be granted. The president stated that the greatest need of the institution at the present time was a more adequately trained faculty. This he regarded as absolutely essential to the success of the four-year college program.

There appears to be a definite demand for a woman's college in the State and this the board of trustees of the Montevallo institution has proposed to provide. It should be borne in mind, however, that one of the fundamental purposes which prompted the establishment of this institution was the training along practical lines of the many hundreds of young women of the State who find it necessary to earn a living. Particular stress, therefore, should always be given to courses of this character. There is a demand for an increased appropriation for the organization of home-making courses in the various schools of the State for girls and women. If a sufficient number of teachers for these courses are to be provided without leaving our State to secure them it will be necessary to give special emphasis to the training of young women for this purpose in this institution. No doubt the board of trustees and authorities recognize this increasing demand for trained workers in this field which, it appears at present, is much greater than this institution is able to supply. Proper recognition of the needs of this institution will call for enlarged facilities, new dormitories, classrooms and laboratories, etc. However, if this institution is to be supported as a four-year college then all courses which are equivalent or a duplication of courses already offered in other State-supported schools should be eliminated.

GENERAL

The three institutions of higher learning which have been already discussed in the foregoing paragraphs represent in a way the State's investment for future leadership in its own sons and daughters. Numerous matters relating to higher education have been brought to the attention of the committee, but taking it as a whole no serious criticism can be placed against the administration of these institutions. The presidents of the University and Auburn both feel that extreme care should be taken in preventing athletics from overshadowing the real purposes and diverting the activities of large groups of students from the regular work of the classroom. However, when kept within proper bounds a wholesome interest in athletics is not only to be approved but is undoubtedly essential to the maintenance of proper morale in large bodies of young men students. This appears to be almost equally true in institutions for young women. One of

the greatest responsibilities of the authorities in charge of educational institutions is to maintain a proper balance between the regular activities of the school and the outside interests. The institution that attempts to eliminate the outside interests simply drives away young men and young women who, while anxious to secure a college education, do not believe that to do so it is necessary to eliminate all contact with the outside world. Therefore, in all the institutions named lecture courses, athletic organizations, glee clubs, dramatic and literary societies, student publications, Y. M. C. A. and Y. W. C. A. organizations are recognized and encouraged. All of these activities are carried on under proper supervision of the faculty and at no expense to the State. As long as these outside interests are kept within proper bounds they are helpful and essential and contribute no small part to the education of these young men and women.

In order to meet the demands on these institutions for increased facilities it will be necessary to provide a much larger amount for operation and maintenance and at the same time a still larger provision for additions to the physical plants in the way of dormitories, administration building, classrooms, laboratories, libraries—in fact, all that a modern school plant demands.

AGRICULTURAL AND MECHANICAL INSTITUTE FOR NEGROES AT NORMAL

This school is considered under the head of higher institutions because it shares with the Alabama Polytechnic Institute in the Federal appropriations for land-grant colleges. The State has maintained this school for a number of years and has endeavored to provide training for intelligent negroes in the field of agriculture, home economics and the trades. At present it maintains classes only through the junior college but the large majority of the students are in the junior and senior high school grades. This institution seems to be emerging from an enormous indebtedness and if properly supported will undoubtedly afford suitable preparation for negro boys and girls who are worthy of training for leadership of their own race. The buildings at this institution are perhaps in the most dilapidated condition of any under the control of the State. It is undoubtedly unwise and a serious danger to permit their continued use without improvements which would at least lessen the present alarming fire risk. This is particularly true of the building used as a dormitory for the girls. A proper development of this institution will necessitate the purchasing of additional farm lands. The importance of emphasizing agricultural training is a matter which the committee feels deserves careful consideration. The work in the shops appeared to be commendable and the classes in the home-making courses had interesting exhibits. The development of this institution is a matter which may well receive the careful consideration of the Legislature.

CHAPTER V

SPECIAL TYPES OF SCHOOLS—

STATE INSTITUTIONS AT TALLADEGA, ALABAMA

The committee visited Talladega for the purpose of viewing the physical plants and observing the work of the State institutions for the deaf, dumb and blind located at that place. It is desired to stress the fact that these institutions are not eleemosynary in character but schools for the training of defective children.

The time allotted for an inspection of the three schools was entirely too limited to afford opportunity for a careful survey of conditions. However, the physical plants, equipment and general conditions under which the work is being done were brought to the attention of and carefully noted by the committee.

INSTITUTION FOR THE DEAF

The enrollment of this institution is 216, which is an increase of 33 1/3% over the enrollment at the time the last special appropriation was made to

the school. This increase in attendance has been made without extra effort on the part of the institute authorities.

Casual observation convinces one that all available space in the school building is now in use. Rooms formerly used for manual arts, as store room, and for chapel purposes are now being used as classrooms. The crowded condition of the institution makes this necessary. The dining room is badly over-crowded and, according to a report made to the committee, the girls' dormitory is taxed beyond its capacity. Many single beds are now accommodating two girls.

The absolute need for additional teaching force without additional funds to pay the salaries of teachers has necessitated the discontinuance of instruction in manual arts to the boys. Such instruction is, however, essential to the vocational training of many deaf boys and a way should be devised by which such instruction can be again incorporated in the school's program of training.

On inquiry it was learned that the training given the girls is limited to instruction in sewing, the girls being deprived of training along other lines. This condition due to a lack of funds should be speedily remedied. The committee was surprised to find that the girls in this institution have no opportunity to learn domestic science. Funds are not available for employing teachers qualified to give the necessary courses. Then, too, the school, according to the report of the authorities, has not sufficient funds with which to purchase the necessary supplies and equipment for such institution.

Believing that the State should do everything possible to care for and enable its handicapped children to become self-supporting, the committee suggests the following:

(a) Increased per capita appropriation to meet the increased cost of living of enrolled children.

(b) The construction of needed buildings and the purchase of such equipment as is necessary to give more thorough training in a larger number of vocational branches.

ACADEMY OF THE BLIND

The time spent at this institution, though limited, was very interesting. The committee was fortunate enough to see the student body at chapel where an enjoyable musical program was given. The children gave evidence of thorough musical training and showed intense interest in the entire program.

The methods employed in teaching the boys the use of tools in the manual training department excited considerable interest on the part of the committee. The pupils seemed to be deeply interested in the work, specimens of which were on exhibition. The demonstrations given by them convinced those present that the State is endeavoring to meet in a practical way her responsibility to her blind children.

A report on the work of the Academy which was presented embraces a definite statement showing the institution's needs. It is evident that the increased appropriations asked for maintenance and the additional funds requested for building, equipment and for teachers' salaries are urgent at this time.

ALABAMA SCHOOL FOR NEGRO DEAF, MUTE, AND BLIND

Fifty-eight pupils are enrolled in this institution which is located about one mile from the site of the schools for white children.

Dormitory facilities are bad, the building being poorly ventilated and without fire escapes. Due to the inadequate provisions the white superintendent and his family are forced to live in this building with the negroes. The authorities seem to be doing everything possible to advance the handicapped negro children in their efforts to secure training. The conditions under which they are being trained, however, are not altogether acceptable.

Better housing conditions, made safe against danger from the destruct-

ive effects of fire, is the committee's chief recommendation. It believes that the State's first obligation to those whom it has assembled for instruction is to see that every possible precaution is taken to provide healthful living quarters and to protect their lives.

ALABAMA BOYS' INDUSTRIAL SCHOOL

The plant consists of 230 acres of land and about a half dozen buildings. Among the buildings are a new chapel and a new gymnasium. The hospital is an old, out-of-date wooden structure and although not suitably constructed for hospital purposes has been so arranged that it is answering the purpose about as well as any poor substitute could.

Approximately 400 boys are enrolled in the institution. The general morale of the student body is all that could be expected. In this connection it has come to the attention of the committee that boys under ten years of age are admitted to this institution. This should be discontinued and provision made for children of this tender age through some other agency.

The day of the visit afforded an inspiring sight. A large number of boys were busily engaged in carrying on the outside work of the institution. Practically all such work is done by the pupils. They operate the laundry; work in the printing office; make furniture for use in the school; make clothing; repair shoes; and do all kinds of farm labor. A number of boys were seen digging ditches; two were operating a linotype machine; one 13 year old boy was operating a Fordson tractor, and still others were doing various jobs on the farm.

Only six teachers are employed for classroom instruction. This means that the average number of boys to the teacher is 67, which is twice the number recommended for thorough work. The boys as a whole take interest in their class work and are to be commended for the spirit with which they discharge their duties.

ALABAMA VOCATIONAL SCHOOL FOR GIRLS

This institution is located at Woodlawn, Alabama, and is managed by a local board of directors. The purpose of its founders was to give vocational training to worthy girls of good character who would not otherwise have had a chance to get such training.

The school's enrollment numbers 32. It is housed in a new building on a five-acre tract of land and is taught by two teachers, the course of study embracing only elementary grades. There is no equipment for vocational work. The girls get training in cooking, sewing, housekeeping, and gardening by doing the work of the school home.

According to a statement of the board of directors, the school has had a history of useful service covering a period of 30 years. Many girls have gone from this institution into home life and employment in the commercial world and are now contributing to the upbuilding of the State.

Under an Act of the Legislature of Alabama, approved September 30, 1919, the name of the institution was changed from Mercy Home Industrial School for Girls to Alabama Vocational School for Girls and an annual appropriation of \$6,320.00 was made for its support, maintenance and improvement. The committee's observation leads to the conclusion that the work of the school is restricted because of lack of buildings and maintenance funds, and since it was established for the purpose of giving vocational training and there is no equipment whatsoever owned by the school for that purpose, it is evident that the institution cannot possibly measure up to the responsibility it has assumed.

During hearings a committee made an appeal in behalf of the institution. The substance of their appeal was to the effect that the State take over the school, retain the present board of directors as managers, make an appropriation of \$150,000.00 to be used for purchasing additional land, constructing buildings, and buying equipment, and in addition make a monthly

appropriation of \$25.00 for the maintenance of each girl enrolled. The committee from the board of directors estimated that the institution would finally take care of 200 girls. However, that number would not be expected to enroll for several years.

While the committee has only commendation for the splendid service of this institution, it cannot see its way clear to recommend that the State take over this institution or that increased appropriations be made therefor.

STATE TRAINING SCHOOL FOR GIRLS

The physical plant of this school consisting of four cottages, a school building, and a hospital is located on a tract of land of 22 acres about five miles from the center of the city of Birmingham.

The buildings are all new, modern and well equipped. Under an Act of the Legislature, approved October 30, 1919, an appropriation of \$50,000.00 was made to this institution for the erection of buildings, purchase of land, and making the necessary improvements. An Act approved by the Legislature October 2, 1920, provided for the removal of the State Training School for Girls from its location at that time to a site better suited to the purpose for which it was established. Authority for the removal of the school was vested in the State Board of Control and Economy with the approval of the Governor. The new buildings were constructed for a capacity of 112 girls. There are now 144 enrolled. The building originally intended for a laundry is being used for dormitory purposes, and, according to the superintendent, it must be so used until additional cottages are constructed.

The personnel of the faculty consists of the superintendent, seven matrons, three teachers and a nurse. A monthly allowance of \$25.00 is made the school for the maintenance of each girl.

The institution is in need of at least two more cottages, an administration building and additional land. These needs are urgent and should have the careful consideration of the Legislature. The visit to the school impressed the committee very favorably with the importance of the work being done as a means of offering training to girls who need consideration at an age when such training will accomplish the greatest amount of good in shaping their future careers.

ALABAMA REFORM SCHOOL FOR NEGRO LAW BREAKERS

The committee did not make an inspection of this institution. In order that the members of the Legislature may know something of the purposes for which this school was established, how it is governed, and what support it receives, a general statement bearing thereon is submitted. The school is located at Mt. Meigs, Montgomery county. It is governed and controlled by a board of trustees, composed of the Governor, State Superintendent of Education and seven others.

It was established and is conducted for the proper education and training of juvenile negro law breakers, lawfully committed to it. The course of instruction includes common school education with training in agriculture and industries, special stress being placed on manual training in an effort to make self-respecting, industrious, good citizens of the boys committed thereto. No criminal over 15 years of age is admitted to the institution. The title to the school property, consisting of 20 acres and several buildings, was originally vested in the "State Federation of Colored Women's Clubs." The board of trustees has bought additional land and constructed such buildings as were needed.

The per capita appropriation for the support and maintenance of the school is \$10.00 for each person confined. The school receives an additional annual appropriation out of the State treasury amounting to \$3,720.00. This amount is spent under the direction of the board of trustees. The earnings and any other revenue or donations are likewise expended for purposes

that the board of trustees may deem proper. The committee recommends the continued support of this institution.

ALABAMA SCHOOL OF TRADES AND INDUSTRIES

The School Code approved September 20, 1919, provides for the establishment of the Alabama School of Trades and Industries at Ragland, Alabama. The purpose of the institution is the education and training of white boys and young men in all the useful and industrial occupations and in the arts and sciences, and to enable the students to acquire education and training by employing a part or portion of their time while in school to pay all or part of their board and tuition.

The Act authorizing the establishment of the school provides for the appointment of five trustees to serve until September 30, 1923, at which time entire management and control of the school shall be vested in the State Board of Education. The board of trustees was duly appointed by the Governor, met, organized and projected plans to raise \$30,000.00 for building purposes, it being required under the Act that that amount shall be raised before the State appropriation of a like amount is available to the school. Early in January the Governor was notified that the full amount had been raised. He immediately released the State appropriation of \$30,000.00 and the trustees made plans to begin the erection of buildings on a plot of ground of more than one hundred acres, located near the town of Ragland. Building has not yet been begun and the school is not in operation. It was the desire of the board of trustees that the school be organized in order that the work of constructing the building might be done by the students. It developed that the maintenance of \$5,000.00 could not be made available until the buildings were constructed and ready for teaching purposes.

In projecting the building plans, the trustees found that it would be impossible to construct a minimum plant with the \$60,000.00 available and that a school of trades could not be maintained with the limited maintenance fund of \$5,000.00. It was, therefore, deemed advisable by the trustees that the further need of funds be presented to the Legislature with the request that additional appropriation be made which would enable the board to make effective the real purposes of the Act authorizing the creation of the school.

It was pointed out that the minimum plant to do successful work is a dormitory, administration building, and a work shop, together with the necessary equipment for each. It was estimated that it will take \$100,000.00 to supply the needs. The board of trustees has to its credit \$60,000.00 at this time for building purposes. An addition of \$40,000.00 would be required for building and equipment purposes.

The attention of the committee was further called to the fact that a maintenance fund of \$12,400.00 is needed for the operation of the school the first year, that it will require \$15,000.00 for such purposes the second year, \$20,000.00 the third year, and \$25,000.00 for each year thereafter. The request of the trustees is that the school be given an additional appropriation of \$40,000.00 for building purposes and that an annual maintenance fund amounting to \$73,500.00 for the next quadrennium be appropriated as stated above in lieu of the \$20,000.00 already provided for. The committee is convinced that whether or not any additional appropriation is made to the school for building purposes it will be very difficult for the institution to maintain a school of trades without an increased annual appropriation for maintenance.

CAMP HILL INDUSTRIAL INSTITUTE

A committee of Tallapoosa county citizens brought to the attention of your committee the work of the Camp Hill Industrial Institute. Information was given to the effect that a former Legislature had given official recognition to the school by making a limited appropriation. It was stated

that efforts are now being made to raise \$1,000,000.00 by private subscription and that it was the desire of the petitioners that the Legislature of Alabama should make a donation to the fund, thereby influencing other donors.

BIRMINGHAM ASSOCIATION FOR THE BLIND

The Birmingham Association for the Blind presented in a very interesting manner the efforts being put forth in Birmingham to train and give employment to blind persons of both sexes of that city and district. The funds thus far used in such training have been raised in Birmingham from private subscriptions, membership fees, and proceeds from tag days held for raising funds.

The city board of education of Birmingham has given the Association the use of a cottage in which instruction is being given blind white persons, and the negro blind are being taught in a building furnished for that purpose by interested persons. However, within a short time training quarters will no longer be available.

Attention was called to the fact that the Federal census gives Alabama 1,200 blind persons. Two hundred of these live in Jefferson county. At present the Birmingham workshops are the only institutions that offer training to adult persons, the Talladega institution admitting only persons under twenty-one years of age. A request was made that a State institution for the training of blind persons with workshop attached be established at Birmingham for the training and employment of blind persons in Alabama. It was stated that the Blind Association would provide a lot to be used for building purposes and the annual salary of one person, a legislative appropriation of \$25,000.00 for building purposes and a per capita maintenance fund being requested of the Legislature.

CHAPTER VI

STATE DEPARTMENT OF EDUCATION

The committee has availed itself of the vast amount of information which has been brought together by the State Department of Education in the performance of its duties under the State Board of Education. A rather exhaustive study has been made of the activities of this Department. A careful inquiry among the various educational people of the State, as well as among the citizens generally, reveals the fact that the services of the Department are regarded as constructive, definite and essential to the progress of education. In an organization as large as the Department it is natural that some misunderstandings and occasional complaints are registered, but taking the services of this Department by and large there is every reason for the conclusion that the returns to the State for the investment in this type of general control is valuable and that the continued success of the program of education, which has meant so much in the way of definite progress during the past decade, is dependent upon the intelligent, sympathetic and wise co-ordination of all the educational activities through such an organization as the State Department of Education.

The committee examined into the organization of the Department and called before it the State Superintendent of Education and the various members of his staff. The service of this Department is organized at present under ten different heads or divisions, each division being responsible for a special type of work assigned under the law. The divisions organized are as follows: Executive and Business Management; Teacher Training; Certification and Placement; Statistics; Rural Education; Elementary Education; Secondary Education; Vocational Education; Physical and Health Education; Exceptional Education; School and Community Betterment. Careful scrutiny was made of the work of each of the divisions named. The com-

mittee was furnished with an extensive report setting out the duties and the character of work performed by each division.

The Department of Education through its responsibility for general control has to do with all expenditures for public education, including the elementary, secondary and normal schools. For the year just closing the total amount involved represents an expenditure of more than \$14,000,000.

In addition to the responsibility for the general control of all educational expenditures of public funds the Department handles numerous other benevolent funds which are made available by various interested persons and foundations. The General Educational Board of New York is responsible for the salaries of six members of the Departmental Staff, including the traveling expenses of these members. In addition to this the General Education Board makes appropriations for the negro training schools of the State and the summer schools for negro teachers, as well as appropriations for equipment. The Rosenwald Fund is provided by Mr. Julius Rosenwald to assist in the erection of negro school buildings. More than \$25,000 a year is provided for this purpose. In order that this work may be promoted this Fund also provides for half the salary and expenses of a negro field worker employed by the State Board of Education who gives his time to promoting building projects in negro communities and in assisting in the training of negro school teachers. The Department is also responsible for the administering of the Jeanes and Slater Funds. The Jeanes Fund is used to provide negro supervisors in the counties that have a large negro population. The Slater Fund is used to aid in the support of the county training schools. Another important aid which has meant more than the mere dollars and cents contributed has been the fund furnished by the various women's clubs of the State for promoting the work among adult illiterates. The largest fund administered by the Department is made available through the Smith-Hughes and Smith-Bankhead Federal appropriations for vocational education. This fund is available to the several states in the Union when matched by a like amount from the State treasury. It was found that half the salary and half the traveling expenses of nine other members of the Department's staff are paid out of Federal appropriations. The employment of these members of the Department is a prerequisite to securing Federal funds. The members of this particular group are engaged in the work of carrying on the vocational training of many thousand boys and girls in vocational classes throughout the State. The rehabilitation of men and women disabled in industry or otherwise is also a service performed in co-operation with the Federal authorities.

DIVISION OF EXECUTIVE AND BUSINESS MANAGEMENT

The Division of Executive and Business Management is responsible for the records of the Department of Education and the proper checking of all expenditures for educational purposes throughout the State. Apportionment of the funds to the several counties of the State, and the drawing of requisitions authorized by the various legislative appropriations for educational purposes are functions of this division. Although the expenditures for educational purposes along all lines have been more than doubled in the past decade the clerical staff of this division has not been increased. The work of this division is very heavy at the present time.

TEACHER TRAINING, CERTIFICATION AND PLACEMENT

The committee had occasion to investigate the work of teacher-training in the normal schools and in a less definite way in the other institutions of the State. There seemed to be a general approval of the program of teacher training in the State at the present time. While the system in vogue permits many low grade teachers to offer instruction in the public schools of the State it is undoubtedly necessary to continue this plan in order that the public schools may be operated. The reports submitted by the Department

show that during the year following the war nearly 2,000 emergency provisional certificates were issued, while during the past year less than 500 certificates of this character were used.

The committee feels that the present method of co-ordinating the work of teacher-training through the Department of Education is highly essential to the success of a State-wide program. This co-ordination should comprehend all phases of this work—preparation in normal schools and institutions of higher learning, extension service, professional reading courses, supervision of instruction and county institutes. The committee recommends for serious consideration to all school authorities the importance of eliminating as rapidly as conditions permit the appointment of inexperienced, low grade teachers who in many cases have very little beyond elementary school education and who have not had opportunity of making any preparation for the very important work of the school room.

DIVISION OF STATISTICS

The work of this division centers around the assembling and interpreting of educational statistics. Under the law, record forms, blanks and all systems of school accounting used in the State Department of Education, counties and cities and in all institutions under the State Board of Education are prepared or approved by this division. The handling of matters for publicity and the editing of bulletins are important duties of the statistician. The committee regards this type of service of very great importance to the work of education and believes that the proper handling of all matters assigned to this division, particularly that which pertains to giving to the public full and accurate information, will mean a better understanding on the part of the general public and an increased appreciation of the tremendous task which rests upon the State Board of Education in its work of promoting interest in and the continued support of progressive educational practices and measures.

DIVISION OF RURAL EDUCATION

This Division is responsible for the rural schoolhouse building program. It also aids counties, cities and district authorities in local tax elections. Considerable attention and time appears to be given to the promotion of consolidation and transportation projects. It was shown that the cost of providing plans and specifications and supervising the construction of rural school buildings during the past three years has been slightly less than one per cent of the total amount expended for these purposes. This policy has resulted in more excellent buildings, thoroughly modern and constructed in accordance with plans and specifications which are in keeping with present-day educational demands. The expenditures for rural schoolhouse construction represent one of the finest examples of efficiency in the handling of funds for the improvement of educational conditions. The work of the Department in co-operation with the county superintendents of education and the building committees in the various communities of the State merits cordial approval and continued support.

There is a rapidly growing sentiment in favor of consolidated schools in the rural sections of the State. Such schools offer many advantages in efficiency and in organization not possible under the old system. The development of consolidated schools appears to be especially rapid where good roads are found; in fact, the growth and interest in the development of schools appear to go hand in hand with improvement of the roads.

The report furnished by the Department shows some very interesting facts on rural school consolidation.

A COMPARATIVE STUDY OF CONSOLIDATION OF SCHOOLS

	Consolidated Schools.	Small Schools Displaced by Consolidation.
Number of consolidated schools.....	219	598
Cost of building.....	\$2,758,278	\$261,060
Cost of equipment.....	\$424,437	\$50,320
Number of teachers with two years or more college training.....	519	72
Number of teachers with two years professional training.....	541	88
Length of service of teachers (in months).....	14.5	8.3
Number of recitations per teacher.....	11	25.5
Salary.....	\$88	\$62.50
Enrollment.....	39,701	19,449
Per cent of daily attendance.....	79	62
Average length of term (in months).....	7.6	6.3
Pupils enrolled in high school grades.....	7,045	2,009

DIVISION OF ELEMENTARY EDUCATION

This division is administered under the general direction of the Division of Teacher Training, on account of the close relationship between supervision of instruction and the training of teachers. The Department has a very definite program of training teachers in service which has taken the form of supervision of instruction in counties where supervisors have been employed. Any plan or program which makes possible the improvement of the classroom work in the schools of the State should have the endorsement and constant support of all educational authorities. Elementary, city and rural schools have a common program, using the same textbooks. This is in accord with the best practice throughout the country, since it is a generally accepted principle that only the fundamentals may be offered in the elementary schools, and these subjects are as essential in one section of the country as in another. In order that this program may be presented in the most intelligent manner for use by the teachers in the public schools of the State it is necessary to have a great deal of attention given to the preparation of material for use by the teachers in the elementary grades. This service is in co-operation with the teacher-training division of the Department. Combined with this is the responsibility of assisting teachers in elementary schools throughout the State to make proper use of all materials provided, and this is being carried on at present in a most effective way through the county superintendents and the elementary supervisors of instruction employed in the several counties of the State.

DIVISION OF SECONDARY EDUCATION

The service of this division is outlined as follows:

1. The organization of high schools for more effective instruction.
2. The improvement of business administration of high schools.
3. The development and organization of junior high schools.
4. Study of the relation of high schools to the elementary schools on one hand and to the colleges on the other.
5. The accreditation of high schools.

In every phase of this service the high school supervisors have reported much progress. The rapid growth in high school attendance has been stimulated by the activities of the Department through this division. The improvement of the work of instruction in the high schools is no less important than any other phase of educational service. After all the instruction is the big thing in education to which all other elements are subordinate and valuable only in that they contribute to the success and efficiency in this field.

A steady and commendable increase in the number of college graduates engaged in high school work is reported.

For a number of years it has been realized that there was a bad break between the elementary school and the ordinary high school, and it came at the most critical time in the child's life. This division is trying, through the junior high school, to overcome this difficulty by providing opportunity for the child to find his predilections and aptitudes, and thereby give more definite direction to his future educational efforts.

Perhaps the most rapid growth in any phase of education in the next few years will be in the high school field. More pupils will be completing the elementary grades as longer terms are provided. This will create an increasing demand for high school accommodations. The already crowded conditions will be further congested unless definite provisions are made for increasing very rapidly the present high school facilities.

DIVISION OF PHYSICAL AND HEALTH EDUCATION

The work of physical education has for its purpose the setting up and promoting of a definite program of physical and health education. This program provides for proper physical training for the children throughout the elementary, junior and senior high school courses. An intelligent presentation of the program is important. Physical examination of children by the county health authorities is an important part of the health education program. Since a proper respect for and an appreciation of health is important personally and from a community point of view, it is the opinion of the committee that this service should be promoted and given a more definite place in the instruction of children in all classes of public schools. Care should be taken to prevent it from degenerating into the support of a quasi professional form of athletics in our high schools and colleges. It should mean a study and a practice of all the habits and activities that will function in good health and physical fitness on the part of all the children in the schools of the State.

VOCATIONAL EDUCATION

The committee hearings developed the fact that the people of the State consider vocational training as being one of the most important educational services now provided. This type of training is comparatively new. Very little definite progress had been made before the passage of the Smith-Hughes Federal Vocational Act, which made available for this character of training an appropriation from the Federal treasury. This appropriation was very small in the beginning but increases each year until 1926, when the amount available for the State of Alabama will reach a total of \$157,928.45. The present amount available is something over \$100,000. All Federal appropriations must be matched dollar for dollar by state appropriations. In carrying on this work the State Board of Education has prepared a State plan which is approved by the Federal Board for Vocational Education. The following table will show the rapid growth in this work since its beginning in 1917.

GENERAL SUMMARY, DEPARTMENTS AND CLASSES—FEDERAL AND STATE VOCATIONAL EDUCATION ACTS

Year Ending June 30	1918	1919	1920	1921	1922	1923
Agriculture:						
Departments	13	26	37	51	66	90
Enrollment	241	405	765	1,042	1,662	2,052
Home Economics:						
Departments	1	3	9	27	35	44
Enrollment	14	49	285	943	1,187	1,259
Trades and Industries:						
Departments	9	18	37	50	76	92
Enrollment	195	288	846	1,050	1,457	1,625

Teacher-Training:						
Departments	5	5	6	7	8	11
Enrollment	115	157	310	391	450	475
Total:						
Departments	29	52	89	135	185	237
Enrollment	548	899	2,206	3,426	4,756	5,411
Total number teachers employed 1922-23.....						196
Total departments and classes.....						245
Total enrollment						5,411

It was brought to the attention of the committee that no provision was made for instruction in home making courses for girls. It was shown that this important phase of vocational education for young women should be neglected no longer. In order to secure the proposed Federal appropriation for this purpose and to continue the development of the work until it is made available it will be necessary to make an appropriation in an amount which will eventually equal that made for the vocational agricultural training of boys. The committee is in thorough accord with this proposition.

In the matter of training men and women disabled in industry or otherwise the report of the Department would indicate a serious handicap in the lack of maintenance funds. The Federal appropriation to Alabama which amounts to \$22,305.56 is conditioned upon an equal amount from the State. In order to make possible the further development of this work it seems that it would be wise to make \$5,000 of the State appropriation available for maintenance purposes and that a special appropriation of at least \$5,000 be made for the same purpose. No type of service which the State is rendering is more worthy than the rehabilitation of men and women disabled in industry or otherwise. A man who is incapacitated through accident, the loss of a leg, hand or an eye, which prevents him from continuing his usual vocation often becomes a burden to society. It is only the exceptional person who rises above such a handicap. But with a definite program for immediately handling cases of this character the person usually retains his self-respect, acquires the knowledge of a different occupation and thus continues to be an independent member of society capable of providing for his own needs through his own labor, a consideration of the greatest importance in a democracy like ours. The State may well continue and increase its efforts to provide this type of service which, after all, is an economic investment of the people's money.

EXCEPTIONAL EDUCATION

For more than ten years through private and public support efforts have been made to remove illiteracy from every section of the State. A study of the census report shows that no small measure of success has crowned the efforts of the interested citizens and educational authorities who have been promoting this program. The removal of illiteracy is only one element of exceptional education which is handled through this division. The need of caring for the feeble-minded in various communities is certainly worthy of careful consideration, and to this end an appropriation has been recommended by various organizations for this purpose. The greatest service which exceptional education has had is not perhaps in the training of the 18,000 or more illiterates during the past three years but it is through the by-products that the greatest contribution to the communities has been made. The by-products have been an educational awakening on the part of the communities where these adult schools have been held, a desire for better school buildings, a willingness to be taxed therefor, a growing improvement in living conditions and more interest in health and sanitation both at home and in communities, a more wholesome conception of the improvement of community life activities and a growing interest in the affairs of the State. For

the promotion of this work, particularly in enlarging the service in the removal of adult illiteracy, there should be provided an increased appropriation to the end that Alabama may even at a belated hour do a fuller part by her sons and daughters who have grown to manhood and womanhood without the benefits and blessings which come from a knowledge of the barest fundamentals of an elementary education.

DIVISION OF SCHOOL AND COMMUNITY BETTERMENT

Under this division school and community organizations are fostered. At present there are more than 500 such organizations in the State, through which more than a million dollars annually is provided for the improvement of schools. No estimate can be made of their value to education. Every worthwhile movement for the betterment of schools as a rule has its inception in one of these school or community organizations. It is considered a very important and worthwhile service of the State to provide a trained worker who prepares programs and assists in planning the types of service which these many organizations render. The proper appreciation of the school on the part of the patrons and a clear conception on the part of the teachers of their duty to the community are elements of the greatest importance in the school and community organization. Parents and teachers meet and discuss common problems and arrive at a mutual understanding which results in better progress on the part of the children, more intelligent work on the part of the teacher and a fuller sympathy and co-operation on the part of the parents. These are matters of vital significance in any program of education in our State.

CHAPTER VII

SCHOOL LAWS

The committee has been agreeably surprised that so few proposed fundamental changes have been brought to its attention at the various hearings. It is not stating it too strongly to say that there seems to be an almost unanimous feeling on the part of teachers and educational authorities, as well as of the rank and file of the people generally, that very little legislation is needed at the present time on matters relating to the administration and operation of the public schools. This does not mean that the laws at present on the statute books are perfect and without certain weaknesses, but on the whole the operation and administration of public schools under the present system of laws would appear to be progressing in a satisfactory manner to the vast majority of the people of the State.

The committee, therefore, in taking up the question of revising the laws, has endeavored to consider only those matters that appear to be in need of revision, or where it is essential that certain provisions be supplemented to the end that the legal machinery for controlling the administration of our schools may work more effectively and with the greatest opportunity of giving uniform and satisfactory service to all concerned.

STATE BOARD OF EDUCATION

The committee unqualifiedly endorses the principle of the State Board of Education with general powers of co-ordinating the work of education throughout the State. It is only through this agency that the Legislature can put into operation State-wide policies, and the Department of Education, which is under the control of the State Board of Education, can more effectively serve the needs of the schools when it has the counsel, judgment and direction of a board made up of men and women of recognized standing and ability, and who are well known for their service in civic and educational affairs of the State.

While there may be some objection to a large board, the committee believes that in order to insure an equitable distribution of responsibility, it would be wise to amend the law providing for a State board of education so

that it will be composed of the present ex-officio members and one member from each of the congressional districts of the State. This recommendation is not made with any spirit of criticism of the present board.

COUNTY BOARD OF EDUCATION

The county board of education as at present constituted is sufficiently large and gives ample opportunity for full representation of all the different sections of the county. While this character of representation has been the rule in the vast majority of the counties, there has been some just cause for complaint that members of the county boards of education in certain counties have been selected from one or two communities, and on this account do not represent so fully as might be desired all sections of the county. The committee therefore recommends that the law governing the election of county boards of education be amended so that one member of the board shall be chosen from each commissioner's district or similar subdivision and one from the county at large, all members to be voted upon, however, by the qualified electors of the entire county. There is also sufficient justification for making it unlawful for a member of the board to accept employment from the board or to contract, sell or carry on business with the board directly or indirectly.

DISTRICT TRUSTEES

The committee believes that where the district trustees by majority desire to withhold approval of the appointment of any teacher it is unwise for such teacher to be employed in the schools of the district. Therefore, in order to carry out this suggestion, a change in the law is recommended to this effect.

MISCELLANEOUS

There are numerous other matters of varying importance which have been brought to the attention of the committee with suggested changes in the school law that might possibly be for the interest of the schools. The committee, however, does not feel that the vast majority of these are of sufficient importance to bring to the attention of the Legislature. This is not to be understood as meaning that the committee is opposed to any further revision of the School Code. It simply represents the mature judgment of the committee that it is unwise at this time, or at any time for that matter, to attempt too many changes in the administering machinery of any department of our government.

CHAPTER VIII

SUMMARY OF FINDINGS AND RECOMMENDATIONS—

I. ELEMENTARY EDUCATION

The rural school building program which has been made possible by appropriations beginning with the Legislature of 1911 has given more than 1,000 modern school buildings to the children of the country schools. This program should be continued and larger support provided for it. There is a demand for increased State-aid for the larger types of buildings, which should receive the careful consideration of the Legislature.

The average length of school term for the State has been gradually increased during the past five years. It is gratifying to know that this average has reached 141 days. It must be kept in mind, however, that the terms in by far the larger part of the country schools of the State are shorter than this average. The reports show that 45 counties have schools for less than seven months. Crowded conditions in the city, town and larger consolidated schools call for relief. It is therefore considered wise and just that a special fund be provided for the lengthening of the school terms in counties taking the maximum advantage of present available sources for the support of the schools, and that means be provided for greatly strength-

ening the character of service which is being rendered at present by the schools with longer terms.

A great waste of time and funds is due to the fact that such a large percentage of the children of school age are not enrolled and that a distressingly large percentage of those enrolled do not attend with any degree of regularity. Good business as well as simple justice to the children of the State demands that the attendance in our public schools should be raised to a much higher percentage of the school population. The administrative authorities in charge of the operation of the schools are responsible in a large measure for the improvement in regard to this important matter. It is believed that a more general enforcement of the present laws in regard to attendance will eliminate this criticism.

In order to profit by the increased support which may be provided for elementary education it is highly important that the teachers be afforded an opportunity to make preparation for the work of instructing the children. It is an unwise use of the taxpayer's money to employ untrained as well as inexperienced teachers. With the teacher-training institutions of the State operating throughout the year and extending their service to practically every county of the State through the organization of study centers for groups of teachers there is little reason for employing in teaching positions persons who are totally lacking in training for the work.

II. SECONDARY EDUCATION

The urgent need for additional funds to maintain county high schools which are attended by pupils from all sections of the county has been met by county boards of education from appropriations from the general funds which are needed to maintain rural, elementary and high schools. It is, therefore, deemed advisable that the conditional appropriation available for county high schools be made \$3,000 contingent on local appropriations of one dollar for every dollar paid to individual county high schools for school purposes. This will release part of the funds now appropriated by county boards for county high school purposes for use in extending the terms in rural schools.

General conditions of county high school buildings, all of which have been deeded to the State of Alabama, are such that the need of repairs and equipment justifies the recommendation that the rural school house fund be made available for the repair and equipment of county high schools under the same condition and for the same amount as in the case of rural school houses.

There is a great demand for high school education in rural districts. The large type schools now being established, where large numbers of boys and girls of high school age gather, furnish a difficult problem for county boards of education. It is, therefore, recommended that a liberal part of the proposed equalizing fund be set aside for the purpose of aiding in the establishment and operation of junior and senior high schools in the rural districts of the State.

The crowded conditions of the State secondary agricultural schools is a matter which demands immediate attention. The committee recommends that if an increased appropriation be provided for those institutions it be conditioned upon the community or county in which the school is located providing adequate dormitory facilities.

III. NORMAL SCHOOLS

The lack of facilities at all the State normal schools makes further development of these institutions impossible without relief. This applies to the whole physical plan, dormitories, laboratories, libraries and classrooms. These institutions are attempting to serve practically double the number for which they are equipped. The teaching stall is so limited as to make the service in many instances very unsatisfactory. Your committee, therefore, recommends that additional support be provided for the continued develop-

ment and maintenance of these institutions. This is done in view of the well recognized fact that the success of the elementary schools of the State depends upon an improved and intelligently trained teaching force. The training of this force is the function of the normal schools.

IV. INSTITUTIONS OF HIGHER LEARNING

The increasing interest in higher education which has resulted in more than doubling the attendance in the State institutions during the past quadrennium has brought the people of our State face to face with a crisis. These institutions should be given immediate relief, which would provide for extensive building programs and annual amounts sufficient for maintenance and operating purposes, in keeping with the support given similar institutions in our neighboring states. The alternative is to allow the present crowded conditions to continue. The work of these institutions at the present time is unsatisfactory. The high schools are turning out an ever increasing number of graduates clamoring for higher educational opportunities. Those who are financially able to do so in the circumstances will go to other states that have been more generous in providing opportunities for college education. Many thousands of worthy boys and girls, however, who must depend upon their own efforts and resources will be deprived of the opportunity to secure college training, and the State, as a consequence, will be the loser.

V. SPECIAL TYPES OF SCHOOLS

The educational institutions at Talladega, Alabama, established for giving training to the deaf, dumb, and blind of both races are crowded, improperly equipped, in need of buildings. Additional funds with which to provide these needs as well as to pay the salaries of a larger teaching force should be provided. The State cannot deny relief to these schools which were established for the training of defective children. There is a responsibility confronting the Legislature which can be met only by approving through legislative enactment a reasonable program which will result in the better care and more efficient training of these children, who are as much entitled to recognition as those who are fortunate enough to possess all of their senses unimpaired.

The Boys' Industrial School at East Lake, Alabama, is one of the State's educational assets. It is crowded, needs additional buildings and equipment and a maintenance fund for employing teachers and meeting other necessary expense. The last Legislature provided for an entirely new plant for the State Training School for Girls which is located about five miles from the heart of Birmingham and, although the buildings constructed and equipment purchased were thought to be sufficient at that time, on the occasion of the visit of the committee the institution was found to be crowded and in need of additional physical equipment to provide both quarters and training for the girls who are committed thereto. It is, therefore, recommended that due consideration be given the requests made by the boards of trustees of these institutions.

The conditions referred to in the two above named institutions for wayward white children exist also in the Alabama Reform School for Juvenile Negro Law Breakers located at Mt. Meigs. This institution should likewise have the careful consideration of the Legislature and the necessary funds be made available to relieve the overcrowded condition that exists at this time.

VI. STATE DEPARTMENT OF EDUCATION

School authorities in the cities, counties and institutions of all kinds assured the committee that they were receiving co-operation from the State Department of Education and that its services were constructive and valuable. The forward-looking policies of the Department have set a high standard of achievement in every phase of the educational service of the State. It would, therefore, in the opinion of the committee, be a serious mistake to

restrict or interfere with the constructive program of education upon which the people of the State have entered during the last few years, the continuation of which in no small measure is dependent upon the leadership and the co-ordination which is provided under the general guidance of the State Board of Education.

VII. SCHOOL LAWS

The entire School Code has been given careful consideration by the committee and bills will be presented providing for such revisions as are deemed urgent and necessary at the present time. In this connection it may be well to reiterate the opinion that it is not desirable to make sweeping experimental revisions of the school laws. Such changes should be made only in cases where serious conditions exist and no other remedy under the present provisions of the law appears to be possible. The present system of school laws is on the whole working satisfactorily throughout the State and it would be unwise to suggest miscellaneous amendments which would tend to interfere with the uniform administration of school affairs.

APPROPRIATIONS

The subject of appropriations has not been dealt with in detail by the committee in its report. It has merely endeavored to point out to the Legislature in some measure the facts, the needs and the conditions as they exist. A schedule of the needs for the various types of educational service for the next quadrennium has been prepared and is in the hands of the Budget Commission. If there is to be any progress along educational lines during that period, or even if present standards are to be maintained liberal, increased appropriations will be required.

CONCLUSION

The committee believes that the greatest service which can be rendered the State will come through making available sufficient funds for a more adequate support of our schools. This applies to all parts of our school system, from the primary grades to the institutions of higher learning. Many matters have come to our attention relative to the improvement of the schools, but this is the one paramount need, the providing increased support for all divisions of our school system in order that the educational opportunity in Alabama shall be on a parity with her sister states of the Union, and shall be made more nearly equal in all the counties of the State. A general demand has been formed for the accomplishment of these two purposes.

To this end, therefore, in concluding this brief study of the educational conditions and needs of Alabama, which has been made during the past few months, your committee recommends that a proposed constitutional amendment be submitted providing for a four-mill State tax for educational purposes, to be apportioned as follows: 1½ mills to the institutions for higher learning (University, Auburn, Montevallo and Negro School at Huntsville); 6/10 of one mill to the four Class A normal schools and the negro normal school; 1 9/10 mills to the common schools; and that when the funds from this source become available the institutions for higher learning and the normal schools shall receive no appropriations other than from their respective apportionments of the four-mill tax.

The committee further recommends that from the funds for the common schools there should be set apart approximately \$1,000,000.00 as an equalizing fund to be used for equalizing the length of school terms in the elementary schools of the several counties, so that each would have at least a seven months' term; and for the development and support of a system of high schools in the rural communities, so that every child may have an opportunity to obtain a high school education conveniently and inexpensively.

In addition to lengthening the school terms there would be sufficient funds provided to eliminate or at least greatly reduce the incidental fees now required for admission to many of the elementary and high schools.

The submission of this proposed amendment will give the people of the State the opportunity to determine for themselves whether the present system of schools with their limitations is to be continued or whether a larger and more comprehensive program of education is to be provided for the children of Alabama.

The above report is approved by the committee as a whole, although differences of opinion prevailed in certain particulars.

Hattie H. Wilkins, Chairman,
Walter S. McNeil,
Lewis Bowen,
Shorter C. Hudgens,
Chas. S. Culver,
S. M. Adams,
J. C. Inzer,
G. J. Hubbard,
J. W. LeMaistre,
Will O. Walton.

ORDERED PRINTED.

One thousand copies of the report of the Joint Recess Legislative Committee on Education were ordered printed for the use of the members of the House.

RECOMMITTAL OF BILL.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers returned to the House H. 263.

To safeguard life and property on the railroads of Alabama by requiring said railroads to use adequate crews on trains operated by them.

With the request that the same be referred to the Standing Committee on Labor and Immigration. Consent was granted and the bill

H. 263. To safeguard life and property on the railroads of Alabama by requiring said railroads to use adequate crews on trains operated by them

Was recommitted to the Standing Committee on Labor and Immigration.

JOINT SESSION.

The hour having arrived for the Joint Session of the two Houses, to hear the address of Hon. J. Thomas Heflin, United States Senator, Senator Heflin appeared and addressed the two Houses.

ADJOURNMENT.

Under a Joint Resolution heretofore adopted, the House adjourned until Tuesday, July 17th, at 2 o'clock P. M.

NINETEENTH DAY.

House of Representatives,
Tuesday, July 17th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Thompson of Etowah, Representative from Etowah.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Jones	St. John
Adams	Fanning	Kilpatrick	Sanders (Conecuh)
Adcock	Ferrell	Lee	Sanders (Pike)
Allen	Fite	LeMaistre	Sessions
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Fayette)	Gaines	Long	Smith (Jefferson)
Ashcraft (Lauderd'e)	Glenn	Love	Snodgrass
Bealle	Glover	Luck	Sollie
Blackwell	Goode	McDaniel	Stewart (Bibb)
Bowen, Lewis	Goodwyn	McGowen	Stewart (Calhoun)
Bowen, L. K.	Graves	Melton	Thompson (Etowah)
Boykin	Grove	Mooneyham	Thompson (Jackson)
Burns	Guy	Moorer	Tiller
Burton	Hall	Moxley	Tunstall
Byars	Hampton	Nichols	Tyson
Calloway	Hatter	Norman	Varnier
Cato	Hawkins	Odom	Verner
Christian	Henley	Parker	Walker
Coleman	Henson	Patterson	Wall
Cook	Hodgson	Poole	Walton
Culver	Hornsby	Posey	Ware
Deloney	Howard	Powell	Mrs. Wilkins
Dickinson	Howze	Ringer	Williams
Dowdle	Hubbard	Rountree	Wyatt
Dunwoody	Jeter	Rutherford	Young
Elliott			

—100

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Eighteenth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 18th day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Smith of Lee for today, and Messrs. Rives and Pickens indefinitely.

NOTICE IN WRITING GIVEN.

Mr. Adams gave notice in writing that on the next Legislative day he would move to take H. 86 from the Adverse Calendar and place the same on the regular Calendar for passage.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

By Mr. Foster:

S. J. R. 87. Whereas, by an Act of Congress each State is invited to place in Statuary Hall at Washington, D. C., the memorial statues of two citizens of such State who may be distinguished for exalted and patriotic service; and

Whereas, the State of Alabama has only placed the statue of one of its citizens in said Statuary Hall; Therefore,

Be it resolved by the Senate, the House concurring, that the distinguished services, both in war and in peace, of General Joseph Wheeler entitle him to this tribute of affectionate appreciation, and that his name be, and is hereby, formally designated for commemoration by the erection of a statue of marble or bronze in said National Statuary Hall.

Be it further resolved, That the Governor of the State shall be and is hereby empowered to take the necessary steps to carry this resolution into effect; the cost of the statue and its erection to be borne by the family of General Wheeler.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House proceeded to the consideration of S. J. R. 87, which is set out in the above message from the Senate.

Mr. Goodwyn offered the following amendment to the resolution:

Amend by adding to end of third paragraph the following: "Showing General Wheeler in the uniform of a Confederate Soldier."

The amendment offered by Mr. Goodwyn was adopted and the S. J. R. 87, as amended, was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

By Mr. Duncan:

S. J. R. 86. Be it resolved by the Senate, the House concurring, that a Joint Committee of the House and Senate, consisting of two members of the Senate to be appointed by the Presiding Officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make a careful investigation of all clerical work of the two Houses, with the view of suggesting a more efficient, expeditious and economical method of handling this work.

Resolved, further, that this resolution be put upon its immediate passage.

Resolved, further, that such joint committee report at the earliest possible date.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long the House concurred in and adopted the S. J. R. 86, and the Speaker appointed on said Committee Messrs. St. John, Tunstall and Long.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

By Senator Carmichael:

S. J. R. 93. Whereas, the eminent French Army Officer, General Gouraud, is now visiting the people of the United States, and his itinerary will include the Capital City of Alabama; and

Whereas, the soldiers of our own glorious Fourth Alabama (167th U. S. Infantry) were in the same Army and were associated with this brave Frenchman during a portion of their service in the World War, and this association was productive of mutual regard and esteem; and

Whereas, it is desirable that the members of the Legislature of Alabama show their regard for our own brave soldiers and their comrades in arms who fought with them under the flags of our allies; and

Whereas, it will be a pleasant privilege to see, hear and have as our guest this distinguished visitor to our country;

Now therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring:

1. That on the occasion of his visit to Montgomery that General Gouraud be invited to address the Legislature in joint session.

2. That a committee of five members, composed of two from the Senate and three from the House of Representatives be raised to convey the invitation to General Gouraud.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The resolution set out in the above and foregoing message from the Senate was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 34. To amend Section 3627 of the Code of Alabama of 1907.

Said Governor's message containing the proposed amendment, being in the following words and figures:

"Message to the Senate:

I herewith return to you Senate Bill 34 without my approval. However, my objection to the bill is that the enrolled bill on the third line from the last at page one thereof appears the word "unlikely" which was evidently used and intended for the word "likely" as it appeared from an inspection of the original bill. The bill, if approved as enrolled, would authorize the taking or condemnation of lands "unlikely" to be flooded, whereas, the purpose and intention of the bill as originally introduced and as it passed both Houses, was to authorize the taking of lands only which were "likely" to be flooded. The result is that each House has passed one bill and the Presiding Officers of the two Houses have signed a different bill.

With this word "unlikely" changed to the word "likely" would meet my approval, as this is the only objection I find to the bill:

Respectfully,

Wm. W. Brandon,
Governor."

July 13th, 1923.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill S. 34 by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 33; nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas, 31; nays, 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the Governor's amendment to the bill S. 34, to amend Section 3627 of the Code of Alabama of 1907, said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 92; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	LeMaistre	Sanders (Pike)
Adams	Fite	Letson	Sessions
Adcock	Forman	Long	Smith (Clay)
Allen	Gaines	Love	Smith (Jefferson)
Arrington	Glenn	Luck	Snodgrass
Ashcraft (Fayette)	Glover	McDaniel	Sollie
Ashcraft (Lauderdale)	Goode	McGowen	Stewart (Bibb)
Bealle	Goodwyn	Melton	Stewart (Calhoun)
Blackwell	Graves	Mooneyham	Thompson (Etowah)
Bowen, Lewis	Grove	Moorer	Thompson (Jackson)
Bowen, L. K.	Guy	Nichols	Tiller
Boykin	Hall	Normar	Tunstall
Burns	Hatter	Odom	Tyson
Burton	Hawkins	Parker	Varner
Byars	Henley	Patterson	Verner
Calloway	Henson	Poole	Walker
Cato	Hornsby	Powell	Wall
Cook	Howard	Ringer	Walton
Dickinson	Howze	Rives	Ware
Dowdle	Jeter	Rountree	Mrs. Wilkins
Dunwoody	Jones	Rutherford	Williams
Embry	Kilpatrick	St. John	Wyatt
Fanning	Lee	Sanders (Conecuh)	Young

—92

Which was a majority of the whole number elected to the House.

And the bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907

As amended by the amendment of the Governor was again read a third time at length and passed.

Yeas, 90; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jones	St. John
Adams	Ferrell	Kilpatrick	Sanders (Pike)
Adcock	Fite	Lee	Sessions
Allen	Forman	LeMaistre	Smith (Clay)
Arrington	Gaines	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Glenn	Long	Sollie
Ashcraft (Lauder'de)	Glover	Luck	Stewart (Bibb)
Bealle	Goode	McDaniel	Stewart (Calhoun)
Blackwell	Goodwyn	McGowen	Thompson (Jackson)
Bowen, Lewis	Graves	Moorer	Tiller
Bowen, L. K.	Grove	Nichols	Tunstall
Boykin	Guy	Normar	Tyson
Burns	Hall	Odom	Varner
Burton	Hampton	Parker	Verner
Byars	Hatter	Patterson	Walker
Cato	Henley	Poole	Wall
Coleman	Henson	Posey	Walton
Deloney	Hodgson	Powell	Ware
Dickinson	Hornsby	Ringer	Mrs. Wilkins
Dowdle	Howard	Rives	Williams
Dunwoody	Howze	Rountree	Wyatt
Elliott	Hubbard	Rutherford	Young
Embry	Jeter		

—90

Which was a majority of the whole number elected to the House.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Adams:

H. J. R. 68. Whereas, the Constitution of Alabama provides that the citizens of this State have a right to apply to those vested with the power of Government for the redress of grievances or other purposes by petition, address, or remonstrance;

And whereas, the members of the Legislature of Alabama are sworn to uphold this constitutional provision;

And whereas, many of the good citizens of this State and many persons holding prominent positions in the State, and a large number of organizations have made an exhaustive study of the Convict Lease System as now in force in the State of Alabama and desire an opportunity to present to the law-making power of this State facts relative to such Convict Lease System;

And whereas, this Legislature desires to afford an opportunity for a fair presentation of all matters relative to the Convict Lease System as now in force in the State of Alabama:

Now therefore be it resolved by the House, the Senate concurring, that a joint meeting of the two Houses be held in the hall of the House of Representatives at 10 A. M. on Wednesday, August 1, 1923, for the purpose of hearing the arguments and the submission of facts relative to the present Convict Lease System of the State of Alabama.

Be it further resolved that the first hour and a half of this session be devoted to hearing those favoring a change in the present convict system and that the following hour be devoted to hearing those opposing such change and that those favoring such change shall have thirty minutes rejoinder;

Be it further resolved that the Governor and the Board of Convict Supervisors be requested to transmit to said joint meeting of the two Houses all information and recommendations which they think should be imparted to the Legislature at such meeting.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Henley:

H. J. R. 69. Be it resolved by the Senate of Alabama, the House of Representatives concurring, that:

Whereas, the State Democratic Party of Alabama, in convention assembled at Montgomery, Alabama, on the 7th day of September, 1922, as part of the platform of the Democratic Party of Alabama, adopted by said convention, provided therein, among other things, the following:

"11. The duties owed by the Democratic Party to the people of the State are so admirably epitomized by the platform heretofore announced throughout the State by the nominee of the Party for the high office of Governor, that this Convention hereby sets the seal of its approval upon them, and at the expense of repeating principles already enunciated does hereby incorporate them in this declaration as a part of the Party Platform, namely:

1. A reduction in taxation.
2. Reduction in expenses of government, and the cutting to the bone of all departments and economizing in every practical way.

* * * * *

5. Keeping the State Government in the hands of the people, and removing as far as possible, the tendency to centralize government.

* * * * *

9. A poor State and a rich people, rather than a rich State and a poor people;" and

Whereas, the Legislature of Alabama believe that, in so far as the Party wish respecting said matters, expressed as afore-

said, may be adhered to and followed in safety and consistently with the public need, this should be done; and

Whereas, members of the Legislature believe that said provisions in the Party platform constitute advice of the highest authority from the Democrats of Alabama to Legislators as their officers and servants, from which they are not at liberty to depart or which they should not disregard or disobey except in a case of pressing and urgent need; and

Whereas, it is further the sense of the Legislature that no legislation should be enacted which violates the principle and spirit of said provisions of the Party Platform,

Therefore, be it further resolved that favorable action upon appropriation and tax measures pending, or in process of preparation and to be introduced, shall not be taken until they each shall have been so thoroughly revised as to force them into conformity and consonance with the purpose and spirit of said Platform as affected by the provisions thereof copied herein above.

The resolution was referred to the Standing Committee on Rules.

By Rules Committee:

H. R. 70. Resolved that H. 294 (the Revenue Bill) be and is hereby made a special paramount continuing order for Thursday morning immediately after reading of the Journal.

And the rules were suspended and the resolution was adopted.

By Rules Committee:

H. R. 71. Resolved that the membership of the Committee on Judiciary be increased by adding one.

And the rules were suspended and the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. R. E. Smith of Jefferson (with notice and proof):

H. 330. To change and define the boundary line of St. Clair County, Alabama, between said county and the county of Jefferson.

Local Legislation.

Notice and proof H. 330:

A bill to be entitled an Act to change and define the boundary line of St. Clair County, Alabama, between said county and county of Jefferson.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary line between St. Clair County, Alabama, and the county of Jefferson, be and the same is hereby changed, defined, fixed and established as follows:

Section 2. Begin at the half mile post on the East line of Section 15, Township 17, South, Range 1 East; thence north to the northeast corner of Section 10, Township 17, South, Range 1 East; thence west to the northwest corner of Section 9, Township 17, South, Range 1 East; thence west to the boundary line of Jefferson county.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority, in and for the county and State aforesaid, personally appeared George M. Howle, editor of the Weekly Call, a weekly newspaper published in said State and county, who, being by me first duly sworn deposes and says that the notice, a true copy of which is hereto attached, was published in the Weekly Call once a week for four consecutive weeks, commencing on May 12th, 1923.

Geo. M. Howle,
Editor of The Weekly Call.

Sworn to before me and signed in my presence this 8th day of June, 1923.

Thos. J. Judge,
Notary Public.

A bill to be entitled an Act to change and define the boundary line of St. Clair County, Alabama, between said County and the County of Jefferson.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary line between St. Clair County, Alabama and the County of Jefferson be and the same is hereby changed, defined, fixed and established as follows:

Section 2. Begin at the half mile post on the East line of Section 15, Township 17, South, Range 1 East; thence North to the NE corner of Section 10, Township 17, South, Range 1 East; thence West to the NW corner of Section 9, Township 17, South, Range 1 East; thence West to the boundary line of Jefferson County.

Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

I hereby certify that a "Bill to be Entitled an Act" to change the boundary line of St. Clair County and Jefferson County was published in the Pell City News at Pell City, Ala., St. Clair County, for four consecutive weeks on the days of June 9-16-23-30. A clipping of which is hereto attached.

F. W. White,
Publisher.

Sworn to and subscribed before me this 7th day of June.
(Seal)

W. T. Starmes,
Notary Public.

By Mr. Rives (with notice and proof):

H. 331. For the relief of C. L. Spain.

Local Legislation.

Notice and proof H. 331:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of a special or local law to authorize or require the County of Jefferson to pay to C. L. Spain the sum of Two Thousand Dollars, expended for traveling expenses during his term of office as

Coroner, and the sum of One Thousand Two Hundred Dollars paid by him for stenographic service rendered in and for the office of Coroner by said County of Jefferson during the term of office of said Spain, which sum shall be paid out of the treasury of the said County of Jefferson.

C. L. Spain.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who, being duly sworn, deposes and says that he is Editor and Manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto, was published in the Labor Advocate on the following dates: December 23-30, 1922; and January 6-13, 1923.

J. H. F. Mosley.

Sworn to and subscribed before me, this 9th day of July, 1923.
(Seal)

Mary Mosley,
Notary Public.

By Mr. Howze:

H. 332. To define, regulate, and license real estate brokers and real estate salesmen; to create a State Real Estate Commission; and to provide a penalty for a violation of the provisions hereof.

Judiciary.

By Mr. Luck:

H. 333. To amend Section 7637 of the Code of Alabama, of 1907, so that the same shall read as follows: A convict may at any time during his natural life make and publish his last will and testament and such convict shall not be for any purpose regarded as civilly dead, but may maintain any action at law or in equity which any citizen of this State may prosecute or maintain.

Revision of Laws.

By Mr. Luck:

H. 334. To amend Sections 1 and 2 of Article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of

education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers; and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to

State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give

regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Education.

By Mr. Merrill:

H. 335. To amend Sections Two and Three of an Act "Imposing an Excise Tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State; providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," approved February 10th, 1923.

Ways, Means and Appropriations.

By Mr. Merrill:

H. 336. To authorize and empower the probate court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the personal representative to sell the same, and to regulate the practice in such cases.

Revision of Laws.

By Mr. Dickinson:

H. 337. To require the several county officials of the different counties of the State of Alabama to secure the approval of the Board of Revenue, or Court of County Commissioners, before making any purchases for the stationery or supplies for their respective offices.

Public Printing.

By Mr. Dickinson:

H. 338. To create the office of Supernumerary Judge for the State of Alabama, to define his duties and jurisdiction, to provide for the holding of courts in the various counties of the State by the said Supernumerary Judge, to provide for the election of said Judge, to fix his term of office and to provide for his salary and actual expenses.

Judiciary.

By Mr. Dickinson (with notice and proof):

H. 339. To repeal an act, "Entitled an Act, to make Township 17, Range 16 in Autauga County, a separate School District," approved February 17th, 1865.

Local Legislation.

Notice and proof H. 339:

NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama which meets July 10, 1923, to repeal an act entitled An Act To Make Township 17, Range 16 in Autauga County a Separate School District, approved February 17th, 1885, Acts of the Legislature of Alabama, 1884-5, page 706.

State of Alabama, }
County of Autauga. }

Before me, Charles Booth, a Notary Public in and for said State and County, personally appeared H. S. Doster who, being duly sworn deposes and says that he is the editor of The Prattville Progress, a newspaper published at Prattville, Alabama, and that the attached notice appeared for four consecutive weeks in said paper

H. S. Doster,

Editor Prattville Progress, Prattville, Alabama.

Subscribed and sworn to before me this 14th day of June, 1923.

(Seal)

Chas. Booth,
Notary Public.

By Mr. Dickinson (with notice and proof) :

H. 340. To repeal an Act entitled An Act, to incorporate the Prattville Male and Female Academy in the County of Autauga, approved February 23rd, 1860.

Local Legislation.

Notice and proof H. 340:

NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama which meets July 10th, 1923, to repeal an act entitled An Act to Incorporate the Prattville Male and Female Academy in the County of Autauga, approved February 23rd, 1860, Acts of Alabama, 1859-60, page 325.

State of Alabama, }
County of Autauga. }

Before me, Charles Booth, a Notary Public in and for said State and County, personally appeared H. S. Doster who, being duly sworn deposes and says that he is the editor of The Prattville Progress, a newspaper published at Prattville, Alabama, and that the attached notice appeared for four consecutive weeks in said paper

H. S. Doster,

Editor Prattville Progress, Prattville, Alabama.

Subscribed and sworn to before me this 14th day of June, 1923.

(Seal)

Chas. Booth,
Notary Public.

By Mr. Adams:

H. 341. To further regulate the use, hire and control of convicts.

Penitentiary and Criminal Administration.

By Mr. Long:

H. 342. To amend Section 8 of an Act entitled "An Act imposing an excise Tax on persons, corporations, co-partnerships,

companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," approved February 10, 1923.

Ways, Means and Appropriations.

By Mr. Walton:

H. 343. To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this act shall be null and void.

Revision of Laws.

By Mr. Deloney (with notice and proof):

H. 344. To make an appropriation for the relief of Tom McCollum for loss of 44 head of dairy cattle killed under the direction of the Live Stock Sanitary Board of Alabama to prevent the spread of tuberculosis among live stock.

Ways, Means and Appropriations.

Notice and proof H. 344:

NOTICE.

Notice is hereby given that application will be made to the Legislature of the State of Alabama when it convenes in July 1923 for the passing of a law authorizing the State of Alabama to compensate the undersigned Tom M. McCollum for the thirty-two (32) head of dairy cattle killed by order of the Live Stock Sanitary Board of Alabama to prevent the spread of tuberculosis among live stock in this State.

This June 5th, 1923.

Tom M. McCollum.

State of Alabama, }
Colbert County. }

Before me, G. W. Schmidt, a Notary Public in and for said County and State personally appeared W. F. Miller, known to me to be the editor and publisher of the Colbert County Reporter, a newspaper published in Colbert County, Alabama, who being by me duly sworn deposes and says he is the editor and publisher of the said Colbert County Reporter and was such editor and publisher during the months of June and July, 1923, and that the said Colbert County Reporter is and was a newspaper published in said County and State; and that the foregoing notice which is hereto attached which gives notice of the intention to apply for the passage of a law authorizing the State of Alabama to compensate Tom M. McCollum for thirty-two head of dairy cattle killed by order of the Live Stock Sanitary Board of Alabama was published in the Colbert County Reporter for four (4) consecutive weeks beginning on the 7th day of June, 1923.

W. F. Miller.

Sworn to and subscribed before me this 30th day of June, 1923.
(Seal)

G. W. Schmidt,
Notary Public.

My commission expires February 9, 1925.

By Mr. Elliott:

H. 345. To provide for the payment of stationery and postage for the use of the County Superintendents of Education of the several counties of the State.

Ways, Means and Appropriations.

By Mr. Elliott:

H. 346. To provide for taking the census of the children of the several counties of the State who are entitled to attend the public schools of the State; to provide for the appointment of enumerators and fix their compensation and define their duties.

Education.

By Mr. Parker:

H. 347. To amend Section 2047 of the Code of Alabama as last amended.

Pensions and Soldiers' Home.

By Mr. LeMaistre (with notice and proof):

H. 348. To vacate and annul a portion of Railroad Street in the Town of Red Level, Alabama.

Commerce and Common Carriers.

Notice and proof H. 348:

NOTICE.

Notice is hereby given that at the adjourned session of the Legislature of Alabama to convene in July, 1923, a bill will be introduced to annul, vacate and abolish as a public highway, and to extinguish and annul the dedication thereof, of a strip or portion of Railroad Street in the Town of Red Level, Alabama, described as follows:

Beginning at a point on the West side of the Louisville & Nashville Railroad Company's right-of-way where said right-of-way intersects the North line of Deens Street, said point being nineteen hundred and eighty-nine (1989) feet South of Mile Post five hundred and sixty-eight (568) measured along the center line of main track, thence running in a Northwesterly direction with and along the Western boundary line of the said right-of-way three hundred and seven (307) feet, thence in a Southwesterly direction at right angles with the said Western Boundary line of said right of way seventeen (17) feet, thence in a Southeasterly direction parallel with said Western boundary line of said right-of-way three hundred and seven (307) feet, thence seventeen (17) feet in a Northeasterly direction back to the starting point, the said property so described being a strip of Railroad Street seventeen (17) feet wide and three hundred and seven (307) feet long lying adjacent to and North of the intersection of Deens Street and Railroad Street and West of and adjacent to the said Louisville & Nashville Railroad Company's right-of-way in, through and across the Town of Red Level, Alabama.

The State of Alabama, }
Covington County. }

Before me, A. H. Robinson, a Notary Public in and for said State and County, personally appeared Oscar M. Dugger, who is known to me, and who being by me first duly sworn, doth depose and say that he is the editor of The Andalusia Star, a newspaper published at Andalusia, Alabama, in said State and County, and that the notice that a bill will be

introduced at the adjourned session of the Legislature of Alabama to convene in July, 1923, to vacate and annul a portion of Railroad Street in the Town of Red Level, Alabama, a true copy of which notice is hereto attached, was published in said The Andalusia Star once a week for four (4) consecutive weeks, said notice appearing in the issues of June 5, 12, 19 and 26, 1923.

Oscar M. Dugger.
Sworn to and subscribed before me on this the 5th day of July, 1923.
A. H. Robinson,
Notary Public.

A BILL.

By Mrs. Wilkins:

H. 349. To propose an amendment to Section 124 of the Constitution of the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding this session of the Legislature at which this amendment is proposed.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to Section 124 of the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, which election shall be held at the general election next succeeding this session of the Legislature at which this amendment is proposed. The proposed amendment is as follows, namely:

"Section 124. The Governor shall have power to remit fines and forfeitures under such rules and regulations as may be prescribed by law; and after conviction, to grant reprieves, commutations of sentence, and pardons except in case of impeachment. The Legislature shall provide for the appointment by the Governor of a State Prison Commission consisting of three members whose appointment shall be made by the Governor and confirmed by the Senate. The Legislature shall provide that the terms of the first members of the State Prison Commission shall be for four, eight and twelve years, respectively, and the terms of their successors shall be for twelve years each, and that they shall have charge of the prisons of the State and shall have power to grant and revoke paroles of prisoners sentenced for crime, grant short time for good conduct, and shall be required to make recommendations in writing to the Governor within sixty days after applications for pardon are referred to them by the Governor. The Governor shall communicate to the Legislature at each session every remission of fines and forfeitures, and every reprieve, commutation or pardon with his reasons therefor, and the opinion of the State Prison Commission in each case required to be referred, stating the name and crime of the convict, the county in which he was convicted, the sentence, its date, and the

date of the reprieve, commutation or pardon. Pardons in cases of felony and other offenses involving moral turpitude shall not relieve from civil and political disabilities unless approved by the State Prison Commission and specifically expressed in the pardon. This amendment shall be enforced by the Legislature of Alabama at the next regular session of the Legislature after its adoption by appropriate legislation, and shall go into effect on the thirtieth day next after the convening of the next regular session of the Legislature after the adoption of this amendment."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper once a week, in every county in the State for at least 8 consecutive weeks, next preceding the date hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following, viz.:

"Shall the following be adopted as Section 124 of Constitution of Alabama?":

"Section 124. The Governor shall have power to remit fines and forfeitures under such rules and regulations as may be prescribed by law; and after conviction, to grant reprieves, commutations of sentence, and pardons, except in case of impeachment. The Legislature shall provide for the appointment by the Governor of a State Prison Commission consisting of three members whose appointment shall be made by the Governor and confirmed by the Senate. The Legislature shall provide that the terms of the first members of the State Prison Commission shall be for four, eight and twelve years, respectively, and the terms of their successors shall be for twelve years each, and that they shall have charge of the Prisons of the State and shall have power to grant and revoke paroles of prisoners sentenced for crime, grant short time for good conduct, and shall be required to make recommendations in writing to the Governor within sixty days after applications for pardon are referred to them by the Governor. The Governor shall communicate to the Legislature at each session every remission of fines and forfeitures, and every reprieve, commutation or pardon with his reasons therefor, and the opinion of the State Prison Commission in each case required to be referred, stating the name and the crime of the convict, the county in which he was convicted, the sentence, its date and the date of the reprieve, commutation or pardon. Pardons in cases of felony and other offenses involving moral turpitude shall not relieve from civil and political disabilities

unless approved by the State Prison Commission and specifically expressed in the pardon. This amendment shall be enforced by the Legislature of Alabama at the next regular session of the Legislature after its adoption by appropriate legislation, and shall go into effect on the thirtieth day after the convening of the next regular session of the Legislature after the adoption of this amendment."

"Yes....." "No....."

The choice of the election shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 3. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama at the time specified therein. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill was read one time at length and referred to the Standing Committee on Judiciary.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hornsby (with notice and proof):

H. 350. To amend Section 1 of an act approved February 18, 1891 entitled "An Act to amend an act approved February 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the City of Wetumpka, approved February 23, 1883."

Local Legislation.

Notice and proof H. 350:

State of Alabama, }
Elmore County. }

Before me, the undersigned authority in and for said County in said State, personally appeared Frances Golson, who being duly sworn deposes and says on oath that she is the editor of the Weekly Herald, in Wetumpka, Elmore County, Alabama, and that the notice hereinafter set out was published in said paper in the issues thereof dated June 7th, 1923, June 14th, 1923, June 21st, 1923 and June 28th, 1923, said notice being in words and figures as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, when it convenes in July, 1923, for the passage of an act, the substance of which will be to change the corporate limits of the Town of Wetumpka, in Elmore County, Alabama, so that thereafter the corporate limits of said Town of Wetumpka shall be as follows:

Beginning at the Southeast Corner of Sec. 18, T. 18, R. 19, a marble slab marker for the corner, thence North 3960 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Sec. 17, T. 18, R. 19, thence East 1320 feet, thence North 1320 feet, thence West 1320 feet to the Northeast Corner of Sec. 18, T. 18, R. 19, thence and continued West 5280 feet to the Southeast Corner of Sec. 12, T. 18, R. 18, thence North along the E. line of Sec. 12, 850 feet, thence West 2640 feet, thence South 850 feet to half mile corner on the North line of Sec. 13, T. 18, R. 18, thence West 2640 feet to the Northwest Corner of Sec. 13, T. 18, R. 18, thence South 5280 feet to the Southwest Corner of Sec. 13, thence East 4620 feet to the East Bank of the Coosa River, thence South or Southerly along said River 2700 feet to the Half Section Line dividing Sec. 24, T. 18, R. 18, East and West, thence East along said Half Section Line 3960 feet to the center of Sec. 19, T. 18, R. 19, thence North 2640 feet to the North Line of said Sec. 19, thence East 2640 feet to the point of beginning, all in Elmore County, Alabama.

Mayor and Aldermen,
Of the Town of Wetumpka.
Frances Golson.

Sworn to and subscribed before me this 9th day of July, 1923.

R. S. Milne,
Notary Public.

By Mr. Henley (with notice and proof; by request):

H. 351. To fix the salary of the Deputy Solicitor for Escambia County, Alabama, and provide for the manner of payment of the same.

Local Legislation.

Notice and proof H. 351:

PUBLIC NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the 1923 session thereof, for the passage of the following bill, to-wit:

A bill to be entitled an Act to fix the salary of the Deputy Solicitor for Escambia County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Deputy Solicitor for Escambia County, Alabama, be, and the same hereby is, fixed at the sum of Twelve Hundred (\$1200.00) Dollars per year, payable out of the county treasury in monthly installments of One Hundred (\$100.00) Dollars per month, in the same manner and under the same conditions as now provided by law.

Section 2. That, all laws and parts of laws now in conflict with the provisions of this Act are hereby repealed.

Section 3. The provisions of this Act shall take effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, Escambia County, Alabama, do hereby state

under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit: January 11th, 1923; January 18th, 1923; January 25th, 1923; February 1st, 1923.

W. E. Brooks,
Publisher of The Brewton Standard.

Sworn to and subscribed before me this 6th day of July, 1923.
(Seal) O. L. Larkins,
Notary Public.

By Mr. Glover:

H. 352. To amend Section 4898 of the Code of Alabama—
Cancellation of Mortgages.

Revision of Laws.

By Mr. Glover (with notice and proof):

H. 353. To require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said Court, showing all disbursements of County funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Local Legislation.

Notice and proof H. 353:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its coming session in July, to pass a bill which shall be substantially as follows:

A bill to be entitled, An Act to require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said County, a statement, following each regular, adjourned or called meeting of said Court, showing all disbursements of County funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act it shall be the duty of the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said County, following each regular, adjourned or called meeting thereof, a statement of all disbursements of County funds made through said Court, showing for what purpose expended and to whom paid.

Section 2. That said statement shall be made in such newspaper within thirty days from the adjournment of each regular, adjourned or called meeting of said Court of County Commissioners, and shall be published in one issue only of said paper.

Section 3. That the compensation to be paid for the publication as provided in this Act shall not exceed the usual rates now fixed by law, to be audited and allowed by the Commissioners Court as other charges against the County are audited and allowed.

Section 4. That it shall be unlawful for said Court of County Commissioners to fail to cause such publication to be made and each member of said Court who votes against said publication is hereby made subject to a penalty of One Hundred Dollars; or should the entire Court as a body fail or refuse to order such publications made, then each member of said Court is hereby made subject to a penalty of One Hundred Dollars, in either case to be collected by suit; and it is hereby made the duty of the Circuit or Deputy Solicitor to bring said suit and to prosecute same in the name of the County as plaintiff.

Section 5. That if any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

The State of Alabama, }
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. H. Golson, who being first duly sworn, deposes and says as follows:

I, H. H. Golson, editor and proprietor of the Abbeville Herald, a newspaper published weekly in the town of Abbeville, Henry County, Alabama, hereby certify that the attached bill was published in said paper for four consecutive weeks, commencing on, to-wit, the 14th day of June, 1923, and ending on the 5th day of July, 1923.

H. H. Golson.

Sworn to and subscribed before me this July, 1923.

H. W. Owens,
Probate Judge.

By Mr. Glover (with notice and proof) :

H. 354. To provide for the division of Henry County, Alabama, into four commissioners Districts, to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of such Districts; to fix their terms of office and prescribe their duties under this Act and as otherwise provided by law; to fix the date for election of such Commissioners; to require such Commissioners, including the present Court of County Commissioners, to furnish bond; and to further define and prescribe the duties and powers of said Court of County Commissioners.

Local Legislation.

Notice and proof H. 354:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its coming session in July, to pass a bill which shall be substantially as follows:

A bill to be entitled an Act to provide for the division of Henry County, Alabama, into four Commissioners Districts; to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of such Dis-

tricts, to fix their terms of office, and prescribe their duties under this Act and as otherwise provided by law; to fix the date for election of such Commissioners; to require such Commissioners, including the present Court of County Commissioners, to furnish bond; and to further define and prescribe the duties and powers of said Court of County Commissioners.

Be it enacted by the Legislature of Alabama:

Section 1. That Henry County, Alabama, be and is hereby divided into four Commissioners Districts, to be known and called Commissioners Districts 1, 2, 3, and 4 of said County.

Section 2. That District No. 1 of said County shall be composed of and embrace Beats 1, 2 and 3 as such beats are now established; that District No. 2 of said County shall be composed of and embrace Beats 4, 5, 6 and 7, as such beats are now established; that District No. 3 of said County shall be composed of and embrace Beats 8, 9, 10 and 11, as such beats are now established; that District No. 4 of said County shall be composed of and embrace Beats 12, 13 and 14 as such beats are now established.

Section 3. That the qualified electors of each of the Commissioners Districts as herein created and established, shall, as the terms of the members of the present Court of County Commissioners expire, elect one member of said Court from each of the Districts as herein created and designated, and only the qualified electors residing within the limits of each District as herein defined, shall be allowed to vote in such election, and such Commissioner shall not be voted for by the voters from the entire County at large, and such Commissioners must actually reside within the District in which he is elected.

Section 4. That this Act shall not affect the right of tenure of office of the members of the present Court of County Commissioners of said County, but said Commissioners shall continue to hold and discharge their duties of said office as now is incumbent upon them, and as may be made incumbent upon them by the provisions of this Act, until their successors are elected and qualified as is provided in this Act.

Section 5. That in the general election to be held throughout the County in 1924, as is now provided by law, there shall be one Commissioner elected from the 1st District as herein created and designated, and one Commissioner from the 3rd District as herein created and designated, whose terms of office shall continue for four years and until their successors are elected and qualified; and in the general election to be held throughout the County in 1926, there shall be one Commissioner elected from the 2nd District as herein created and designated, and one Commissioner from the 4th District as herein created and designated, whose terms of office shall continue for four years and until their successors shall be elected and qualified; and two Commissioners in the order as provided in this Section shall be elected in the Districts as herein provided, every two years, nomination for which office may be made primary elections as other County officers under the general primary election laws of the State of Alabama.

Section 6. That immediately after the passage of this Act and its approval by the Governor, each of the present members of the Commissioners Court of said County, shall be required to give bond, with surety, payable and conditioned as provided by law, in the sum of one thousand dollars, which bond must be approved by the Judge of Probate of the County and filed and recorded in his office, and thereafter each member of said Commissioners Court shall be required to give such bonds before he is qualified to discharge the duties of said office, said bond, with surety, to be in the sum of one thousand dollars, conditioned faithfully to discharge the duties of his office, during the time he continues therein, which bond

must be approved by the Judge of Probate and filed and recorded in his office.

Section 7. On and after the passage of this Act and its approval by the Governor, in all matters pertaining to the disbursement of public funds or revenues of the County, upon warrants issued by the said Commissioners Court, there shall be kept a minute showing an "aye" and "no" vote of said Commissioners on the matter of the disbursement or expenditure of such funds, and should such disbursement or expenditure prove to be illegal and not a proper charge against such funds, the Commissioners voting in favor of such expenditure shall be held liable therefor and shall refund such sum or sums to the County; and in case of a "tie vote" where the Judge of Probate as chairman of said Court, is called upon to untie any vote where an expenditure of the funds of the County is made, and the disbursement or expenditure as covered by such warrant is illegal and not a proper charge against the County, then the Judge of Probate shall likewise be held jointly liable with the two Commissioners voting in favor of the issuance of said warrant, and they shall be held jointly and severally liable to the County for such sum or amounts as may be paid out on such warrant.

Section 8. That if any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 9. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

The State of Alabama, }
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. H. Golson, editor and proprietor of The Abbeville Herald, and who being duly sworn, deposes and says as follows:

"I, H. H. Golson, editor and proprietor of The Abbeville Herald, a newspaper published weekly in the town of Abbeville, in said County, and State, hereby certify that the attached bill was published in said paper for four consecutive issues commencing on the 14th day of June, 1923, and ending on the 5th day of July, 1923.

H. H. Golson."

Sworn to and subscribed before me this July 12th, 1923.

H. W. Owens,

Judge of Probate, Henry County, Alabama.

By Mr. Thompson of Jackson (with notice and proof) :

H. 355. To amend Section 2 of an Act "To establish a charter for the city of Bridgeport." (Approved Feb. 18, 1891.)

Local Legislation.

Notice and proof H. 355:

NOTICE.

Notice is hereby given that the following bill will be introduced at the July term of the present Legislature:

A bill to be entitled an Act to amend Section 2 of an Act "to establish a charter for the City of Bridgeport." (Approved February 18, 1891.)

Section 1. Be it enacted by the Legislature of Alabama, That Section 2 of an act entitled an act "To establish a Charter for the City of Bridgeport be amended so as to read as follows: That the corporate limits of the City

of Bridgeport shall embrace Sections 7, 8, 17, 18, and the North half of Section 21, lying west of the Tennessee river, all in Township 1, Range 9, East in Jackson County, Alabama.

It is the purpose and intention of this act to exclude from the corporate limits of the City of Bridgeport the South half of Sections 19, 20 and 21, Township 1, Range 9.

Section 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed."

State of Alabama, }
Jackson County. }

Before me, Wheeler Ashmore, a Notary Public in and for said County and State, personally appeared J. S. Benson, Editor of the Progressive Age, a weekly newspaper published at Scottsboro in said County, who being by me duly sworn, deposes and says that the above notice appeared in said paper for four consecutive weeks, as required by law.

J. S. Benson.

Sworn to and subscribed before me on this the 10th day of July, 1923.
(Seal)

Wheeler Ashmore,
Notary Public.

By Mr. Smith of Jefferson (By request):

H. 356. To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

Revision of Laws.

By Mr. Fite (with notice and proof):

H. 357. To provide an official court reporter for the Bessemer Division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

Local Legislation.

Notice and proof H. 357:

NOTICE.

A bill in substance as follows will be introduced and its passage urged at the coming adjourned session of the Legislature of Alabama, which meets in July, 1923:

A BILL

To be entitled an Act to provide an official court reporter for the Bessemer Division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the com-

pensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of Official Court Reporter of and for the Bessemer Division of the Circuit Court of Jefferson County, Alabama, is hereby created, and it is hereby made the duty of the Circuit Judge of the Tenth Judicial Circuit of Alabama presiding over said division of said court, and said judge is hereby authorized, directed and required to appoint a competent shorthand writer to said office as soon after the approval of this act as is practicable, to perform the duties of official court reporter of said division of said court, said court reporter so appointed to hold office during the term of the judge appointing him; provided, said court reporter may be subject to removal by the judge presiding over said court at any time upon proper charges entered of record for incompetency, misconduct or other good cause, the judge so removing said court reporter specifying such incompetency, misconduct or good cause, and giving such reporter an opportunity before removal of being heard. Such court reporter shall have authority to administer oaths at any place in Jefferson County, Alabama.

Section 2. To be eligible to said office of court reporter of said division of said court the person so appointed shall be able to correctly report in shorthand the testimony and proceedings in all trials as the same may occur, and to neatly and expeditiously transcribe on the typewriter the testimony and proceedings so taken by him, and shall not be related to the judge making the appointment within the fourth degree of consanguinity or affinity; and if an appointment is made of a person not possessing the qualifications hereinabove stated, or who is within the said prohibited degree of relationship, such appointment shall be void. If there shall be more than one applicant for said office who are otherwise qualified, the one, if such, who resides within the territorial jurisdiction of said division of said court shall receive the appointment. Provided, further, that in any event the court reporter holding such office shall reside during the term of his office within the territorial jurisdiction of said Division of said court.

Section 3. It shall be the duty of such court reporter to attend in person, except as otherwise herein provided, all sessions of said division of said court, and in every case where directed by the judge or requested by a party thereto, he shall take full stenographic notes of the oral testimony and proceedings, except arguments of counsel, and note the order in which all documentary evidence is introduced, all objections of counsel, the rulings of the court thereon, and exceptions taken thereto, and shall attend the investigations of the grand jury of said division of said court, and there take such notes of the testimony as directed by the Solicitor or by the foreman of the grand jury. The original stenographic notes of said court reporter in each case or proceedings officially reported shall be preserved by him and treated as a part of the records of said court, and upon his retirement from office shall be turned over to the clerk of said court. He shall furnish within thirty days or within such other time as the judge may prescribe, to any party to a cause reported by him, upon payment being made for the same, or upon the order of the presiding judge, a transcript of his stenographic notes, or any part thereof, except proceedings before the grand jury, upon payment of a transcript fee of ten cents for each one hundred words thereof, and for each carbon copy made at the same writing five cents for each one hundred words thereof, provided that such court

reporter shall not be required to perform any part of such service until the payment or security thereof is assured. In all appeal cases the court reporter shall file with the clerk of said division of said court within thirty days after such appeal one typewritten copy of the court's oral charge delivered to the jury therein, without charge for such copy, and the said court reporter shall also transcribe on the typewriter his notes taken before the grand jury in cases where true bills are found and deliver the same to the Solicitor of said division of said court without charge therefor.

Section 4. Should the official court reporter herein provided for, on account of sickness or other cause, be unable to report the testimony of any trial as provided in this act, the judge presiding over said division of said court shall have authority to appoint a special reporter to serve until said official court reporter can resume his duties, the compensation of such special reporter to be the same and to be paid in the same manner and from the same source as herein provided for the payment of said official court reporter; provided, further, that when the official court reporter provided for in this act is with the grand jury of said division of said court, the judge presiding over said division of said court is authorized, directed and required to provide a special court reporter to perform the duties of said official court reporter during such time; provided, further, that whenever there are more than one circuit judge presiding over said division of said court there shall be provided a court reporter for each judge during such time, and each court reporter so provided shall during such time perform the same duties and have the same powers and authority, and receive the same compensation, and from the same source, that are given to and received by the said official court reporter.

Section 5. That whenever the judge presiding over said division of said court, or the solicitor thereof, shall direct, said court reporter shall attend any hearing in which the State is interested and over which said judge or solicitor has jurisdiction and report the same, as in other cases in this act provided for. In such cases or proceedings, as well as in all proceedings or cases reported by such court reporter the said judge or solicitor, when deemed necessary, may order the stenographic notes of such proceedings or case transcribed on the typewriter and copies thereof furnished to said judge or solicitor, one or both, as may be directed, for which transcript the reporter shall be paid at the same rate as in this act provided for other transcripts, same to be paid out of the general fund in the county treasury of said county on certificate in favor of said court reporter drawn by the said judge of said division of the said court.

Section 6. That in all cases reported by said official court reporter or by a special court reporter as provided for in this act, there shall be taxed as a part of the costs of the case a fee of five dollars for each day or fraction thereof that such reporter shall be engaged in reporting such case, the same to be collected as other costs in the case, and when collected shall be paid by the clerk of the said division of said court into the county treasury of said county.

Section 7. That such official court reporter shall receive a salary of \$2400.00 per annum, payable in equal monthly installments, such payments to be made on certificate issued by the judge presiding over said division of said court in favor of such official court reporter, the same to be paid by the treasurer of the county out of the general fund thereof on presentation of said certificate in the same manner as jurors are now paid; provided further, that each special court reporter provided for herein shall be paid in the same manner and out of the same fund.

Section 8. That the Board of Revenue of Jefferson County, Alabama, are hereby authorized, directed and required to provide for said court reporter at the county court house at Bessemer a convenient and suitable

office, and to properly equip the same with desk, filing cases, typewriters, stationery, paper and other things necessary for a court reporter to have in the discharge of his official duties hereunder, at the expense of said county, the same to be furnished in the same manner as the supplies of other officers of this county are furnished.

Section 9. That before any official court reporter or special court reporter provided for in this act shall enter upon the duties of his office, he must subscribe to an oath to support the Constitution and laws of the State of Alabama, and faithfully perform all of the duties of such office.

Section 10. That if any paragraph, section, clause or provision of this act shall be held or declared to be invalid or unconstitutional, the same shall not effect or render invalid any other paragraph, section, clause or provision which is not within itself unconstitutional or invalid.

Section 11. That all laws and parts of laws in conflict with the provisions of this act, whether local, general or special, are hereby expressly repealed.

Section 12. That this act shall become effective immediately upon its passage.

This 13th day of June 1923.

Wm. K. Schanz.

State of Alabama, }
Jefferson County. }

Before me, Arthur Green, a Notary Public in and for said County and State, personally appeared Howe Price, the editor of the Bessemer Advertiser, who being by me first duly sworn, deposes and says, that the foregoing attached notice was published in the Bessemer Advertiser, a weekly newspaper of general circulation published at Bessemer, Jefferson County, Alabama, for four consecutive weeks, that is, on June 14th, June 21st, June 28th and July 5th, 1923, and that he is the editor of said newspaper, and that said notice was published without cost to the State.

Howe Price.

Sworn and subscribed to before me this 9th day of June, 1923.

(Seal)

Arthur Green,
Notary Public.

By Mr. Fite:

H. 358. To amend sections 3, 6 and 7 of an act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Judiciary.

By Mr. Fite:

H. 359. To amend an act entitled "An act to provide for the appointment of Deputy Circuit Solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Judiciary.

By Mr. Fite:

H. 360. To regulate the duties and compensation of official stenographers in all counties in this State having more than

200,000 population according to the last or any succeeding Federal census."

Judiciary.

By Mr. Fite:

H. 361. To provide for safety to life and property in this State by prescribing standards and specifications governing details of construction of steam boilers and steam boiler equipment; to provide for the revision and amendment of Standards and specifications governing the details of construction of steam boilers and steam boiler equipment; to prescribe standards for steam boilers and steam boiler equipment installed for use in this State after this act becomes effective; to provide for the interchange between this State and other states of steam boilers complying with the provisions of this Act; to prescribe rules and regulations for carrying out the provisions of this Act; to provide penalties for the violation of this Act.

Mining and Manufacturing.

By Mr. Fite:

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted, to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Local Legislation.

By Mr. Fite:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Judiciary.

By Mr. Fite:

H. 364. To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define his duties and authority; to fix his compensation; to authorize him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

Labor and Immigration.

By Mr. Fite:

H. 365. To authorize and empower the Circuit Solicitor in all counties in the State of Alabama having five or more Circuit

Judges, or which counties may hereafter have five or more Circuit Judges, and which Circuits are confined to one county and in such county there is a division of the Circuit Court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a Deputy Circuit Solicitor, to employ all shorthand reporters necessary to properly report the proceedings before the Grand Jury and transcribe the same, and stenographer or stenographers for the office work of such Solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensation, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

Judiciary.

By Mr. Jeter:

H. 366. To provide for the election of Boards of Education in municipalities in the State of Alabama with populations of one hundred thousand or more according to the Federal Census of 1920 or any subsequent Federal Census; to prescribe the times and manner for holding elections therefor; to prescribe the powers of such Boards of Education; to prescribe the terms of office of the members of such Boards of education; and to provide for the repeal of conflicting laws or legislation.

Education.

By Mr. Jeter:

H. 367. To provide for the examination and registration of automobile mechanics.

Revision of Laws.

By Mr. L. K. Bowen (By request):

H. 368. To amend Section 5 of an act entitled "An act to further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for the clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

Revision of Laws.

By Mr. L. K. Bowen:

H. 369. To establish and maintain free employment offices and service for persons seeking employment and for employers seeking workers; to create the office of Director State Free Employment Service and provide for his appointment; to define

his duties and authority; to fix his compensation; to authorize him to maintain offices and employ assistants; to provide for the expenses of the department; to appropriate money for the maintenance and expenses of the department and carrying on the duties thereof.

Labor and Immigration.

By Mr. Lewis Bowen:

H. 370. Providing a Workmen's Compensation Law for Alabama; prescribing the liability of an employer to make compensation by way of damages for injuries received by an employee occasioned by an accident arising out of and in the course of his employment, and modifying common law and statutory remedy in such case; establishing an alternative elective schedule of compensation for such injuries; providing medical and surgical services for injured employees; providing for the securing of the liability of an employer hereunder; prescribing the obligations and duties of the employer, employee, the insurer and others relative to the paying and securing of the compensation provided in this act; creating The Industrial Commission of Alabama, and investing such Commission with full authority to administer this law, to make and modify awards of compensation, to determine all questions relating to the liability and payment of compensation, to hold investigations and to exercise all powers necessary to the proper administration and execution of this law; providing for and regulating appeals from such Commission; fixing attorney's fees in such cases; prescribing certain regulations and duties of persons transacting the business of workmen's compensation insurance; requiring certain state and county officials to discharge certain duties in connection with the administration and execution of this act; levying a tax on the business of workmen's compensation insurance and certain employers for the purpose of creating a fund for the maintenance and payment of the expenses of the Industrial Commission of Alabama and providing for its collection; providing for the payment of the salaries and compensation of the members of the Industrial Commission of Alabama, its employees and its expenses; making the violation of certain provisions of this act a crime and fixing the punishment for such violation.

Mining and Manufacturing.

By Mr. Ashcraft of Lauderdale:

H. 371. To amend section 5896 of the 1907 Code of Alabama.

Revision of Laws.

By Mr. Ashcraft of Lauderdale:

H. 372. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State Aid in the con-

struction and maintenance of public roads and bridges; to create a State Highway Fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission defining its powers, duties, and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State Aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Ways, Means and Appropriations.

By Mr. Glenn:

H. 373. Regulating the administration of Guardianships in the Chancery Courts or the Courts of like jurisdiction in this State.

Revision of Laws.

By Mr. Byars:

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin Counties, Alabama; to direct the disposition of said funds by and within the several counties.

Judiciary.

By Mr. Byars:

H. 375. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Education.

By Mr. Byars (with notice and proof):

H. 376. To provide for the election of a County Superintendent of Education for Lawrence County, Alabama, by the qualified electors of Lawrence County at the next General Election held in said county and each fourth year thereafter; to prescribe

his qualifications, fix his term of office and to fix within certain limits, his salary.

Local Legislation.

Notice and proof H. 376:

NOTICE.

Notice is hereby given that at the adjourned session of the 1923 Legislature which meets in July, the following bill, which is given in full, will be introduced:

J. D. L. Byars.

An Act to provide for the election of a County Superintendent of Education for Lawrence County, Alabama, by the qualified electors of Lawrence County at the next General Election held in said county and each fourth year thereafter; to prescribe his qualifications; fix his term of office and to fix within certain limits, his salary.

Be it enacted by the Legislature of Alabama:

Section 1. That at the General Election to be held in 1924, and every fourth year thereafter the qualified electors of Lawrence County shall elect a County Superintendent of Education whose term of office shall begin on the first day of July next after his election and shall continue for four years, or until his successor shall qualify.

Should a vacancy occur in the office of County Superintendent of Education, the County Board of Education shall fill such vacancy by appointment and the appointee shall hold office until the next general election following the date of appointment. In the event the vacancy is not filled by the County Board of Education within thirty days, the Governor shall fill such vacancy.

Section 2. That in order for a person to qualify as a candidate for the office of County Superintendent of Education he shall within five days of his announcement as a candidate for such office file in the office of the Judge of Probate, a certificate, certifying that said candidate has had four years experience in actual teaching in the public schools of this or some other State signed by a Superintendent of Education or other school authorities together with satisfactory proof that he holds an Alabama First Grade or Life Grade Teacher's Certificate.

Section 3. That the salary of the County Superintendent of Education for Lawrence County shall be eighteen hundred (\$1,800) dollars per annum unless the County Board of Education shall fix it otherwise, which in no case shall be less than twelve hundred (\$1,200) dollars, nor more than twenty-four hundred (\$2,400) dollars per annum.

Section 4. That all laws and parts of laws, general, special or local, in conflict herewith are hereby repealed.

The State of Alabama, }
Lawrence County. }

Before me, Thomas B. Ashford, a Justice of the Peace in and for said County and State, personally appeared Clarence C. Horton, who being duly sworn according to law, deposes and says that he is the editor and publisher of the Lawrence County Times, a weekly newspaper published in Courtland, Ala., and who further deposes and says that the notice, a copy of which is attached to this affidavit, was published in said paper for four consecutive weeks, on the following dates, to-wit: June 14th, 21st, 28th, and July 5th, prior to the making of this affidavit.

(Signed) Clarence C. Horton.

Sworn to and subscribed before me this the 7th day of July, 1923.

Thos. B. Ashford,
Justice of the Peace.

By Mr. Wall (By request) :

H. 377. To authorize the City Board of Education of cities of this State to consolidate with adjoining rural school districts, or parts of such rural school districts.

Education.

By Mr. Wall:

H. 378. To amend Sections 8 and 10 of an Act entitled "An Act imposing an Excise Tax on Persons, Corporations, Co-partnerships, Companies, Agencies or Associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," approved February 10, 1923.

Ways, Means and Appropriations.

By Mr. Guy:

H. 379. To designate a certain public road of Alabama as a State trunk road and to provide the manner in which said road shall be located, improved and maintained.

Public Roads and Highways.

By Mr. Letson (with notice and proof) :

H. 380. To provide for the election of a County Treasurer for Marion County, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor.

Local Legislation.

Notice and proof H. 380:

NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, and the passage thereof urged, to be entitled an act to provide for the election of a County Treasurer for Marion County, Alabama; to provide that this election shall be held at the general election to be held in November, 1924, and every four years thereafter, and he shall take over the office on the first day of December after his election; to provide that he shall execute bond and perform the duties as now provided by the Code of Alabama; to provide for paying him a salary of \$75.00 per month, besides the premiums on his official bond; and to provide for the repeal of all laws and parts of laws in conflict with this Act in so far as Marion County, Alabama, is concerned.

W. P. Letson.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marion County. }

Before me, C. E. Mitchell, a Notary Public in and for said County, in State aforesaid, personally appeared P. R. Johnson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks

prior to the 11th day of June, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 19, the 10th day of May, 1923; No. 20, the 17th day of May, 1923; No. 21, the 24th day of May, 1923; No. 22, the 31st day of May, 1923.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.75 and paid.

P. R. Johnson,
Publisher.

Sworn to and subscribed before me this 11th day of June, 1923.

(Seal)

C. E. Mitchell,
Notary Public.

By Mr. Letson (with notice and proof) :

H. 381. To provide for the election and appointment of a County Superintendent of Education for Marion County, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

Local Legislation.

Notice and proof H. 381 :

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, a law will be passed providing for the election of a County Superintendent of Education for Marion County, Alabama; to provide that said election shall be held at the general election in November, 1924, and thereafter every fourth year; to provide that he shall take charge of the office on the first day of December, after his election, and serve for four years and until his successor is elected and qualified; that he shall be a qualified elector of Marion County, Alabama; that he shall have taught in the public schools of Alabama, at least three years before his election; that he shall hold at the time he is elected at least a first grade Alabama teacher's certificate; that he shall make bond and take the oath of office and perform the duties as now provided by law for a county superintendent of education; that he shall be paid \$200.00 salary each month out of the school funds of the county; that within twenty days after the approval of this Act the Governor shall appoint a county superintendent of education for Marion County, Alabama, who shall serve until the first day of December, 1924, and that all laws in conflict with this Act are hereby repealed in so far as Marion County, Alabama, is concerned.

W. P. Letson.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marion County. }

Before me, C. E. Mitchell, a Notary Public in and for said County, in State aforesaid, personally appeared P. R. Johnson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the 11th day of June, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 19, the 10th day of May, 1923; No. 20, the 17th day of May, 1923; No. 21, the 24th day of May, 1923; No. 22 the 31st day of May, 1923.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$10.50 and paid.

P. R. Johnson,
Publisher.

Sworn to and subscribed before me, this 11th day of June, 1923.
(Seal)

C. E. Mitchell,
Notary Public.

By Mr. Grove:

H. 382. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal Census or any succeeding Federal Census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Education.

By Mr. Grove (with notice and proof) :

H. 383. To authorize and empower the commissioners of the City of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the City of Mobile by contract in lieu of the existing requirements.

Local Legislation.

Notice and proof H. 383:

NOTICE.

At the adjourned session of the Legislature of the State of Alabama, to be held in the City of Montgomery, Alabama, commencing on July 10, 1923, the following bill will be presented:

An Act to authorize and empower the commissioners of the City of Mobile to fix the duties of the Mobile Light & Railroad Company as to the pavement of streets in the City of Mobile by contract in lieu of the existing requirements.

Be it enacted by the Legislature of Alabama:

1. That the Commissioners of the City of Mobile be, and they are hereby authorized to, from time to time, contract with the Mobile Light & Railroad Company as to just what portions of the streets of the City of Mobile shall be, and what shall not be, paved by, or at the expense of the Mobile Light & Railroad Company, and just how, where, and of what material such pavement shall be done, repaired or renewed, which contractual provisions shall supersede any and all requirements of the Mobile Light & Railroad Company already provided as to such pavement, whether contained in its franchise or charter or imposed by any general or special statute, provided, however, that nothing herein shall in anywise affect the obligations of the Mobile Light & Railroad Company in the matter of pavement of streets of the City of Mobile, as already provided, except where such changes are provided for by such contracts.

2. That all laws or parts of laws, general, local, or special in conflict herewith, be, and the same are, to the extent of such conflict, hereby repealed.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and County, this day personally appeared A. M. Wing, who is known to me

and who being by me first duly sworn deposes and says that he is Auditor of The Mobile Register, Inc., publishers of The Mobile Register, a newspaper published in said State and County, and that the attached notice of bill to be presented to Legislature appeared in the issues of said newspaper of June 19-26, July 3-10, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 12th day of July, 1923.
(Seal)

Nettie Chandler,

Notary Public, Mobile County, Alabama.

By Mr. Grove:

H. 384. To permit municipalities, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess a costs of court not exceeding three dollars in each case, and to provide how the costs shall be used, upon its collection.

Municipal Organization.

By Mr. Grove:

H. 385. To empower cities, towns, and municipal corporations to adopt and enforce reasonable rules and regulations to require owners, occupants and tenants of lots therein to keep weeds and grass on such lots and the sidewalks in front thereof cut and trimmed from time to time; to prescribe the method and time of notice for such cutting; to give a lien on the property for the cost of the work when done at the expense of the municipality; to prescribe for the enforcement of such lien; and to extend the power hereby conferred to apply to cemetery lots and the owners thereof.

Municipal Organization.

By Mr. Blackwell (By request):

H. 386. To confer additional jurisdiction upon officers authorized by law to take and certify acknowledgments and proofs of conveyances, and to ratify, validate and confirm the acts of such officers heretofore where acting on the boundary line of two or more counties, or within a quarter of a mile thereof.

Revision of Laws.

By Mr. Blackwell (By request):

H. 387. To amend Section 5652 of the Code.

Judiciary.

By Mr. Blackwell (By request):

H. 388. To confer the right of eminent domain upon any person, firm or corporation for the construction and operation of pipe lines for the transportation of oil and gas.

Revision of Laws.

By Mr. Blackwell (By request):

H. 389. To authorize the leasing of lands owned by minors and persons of unsound mind for the purpose of exploring for oil or gas.

Mining and Manufacturing.

By Mr. Blackwell (By request) :

H. 390. To authorize the leasing of lands owned by non-resident minors and persons of unsound mind for the purpose of exploring for oil or gas.

Mining and Manufacturing.

By Mr. Arrington :

H. 391. To amend Section 1035 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Arrington :

H. 392. To amend Section 2511 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Arrington :

H. 393. To amend an Act, and the title thereto, entitled "An Act to make it unlawful for any municipality to charge the farmers or others engaged in the production of farm products of whatever nature, any license or fee, for the sale or other disposition of said articles produced by them, at any place," approved September 25, 1915, so as to read as follows: "An Act to make it unlawful for any municipality to charge the farmers, or others engaged in the production of farm products of whatever nature, any license or fee for the sale or other disposition of said articles produced, raised or grown by them at any place within the State of Alabama."

Revision of Laws.

By Mr. Arrington :

H. 394. To amend Section 2467 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Goodwyn :

H. 395. An act to authorize the attorney-general of Alabama to carry into effect the provisions of an Act entitled an act donating a section of land to Emma Johnson, a widow, formerly Emma Samson, in consideration of public service, approved February 10, 1899.

Judiciary.

By Mr. Goodwyn :

H. 396. To authorize the appointment of guardians to all persons entitled to the benefits of the act of Congress, of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

Judiciary.

By Mr. Dowdle (with notice and proof) :

H. 397. To rearrange and redistrict the Commissioners Court Districts of Pickens County, Alabama.

Local Legislation.

Notice and proof H. 397 :

NOTICE.

Notice is hereby given that the following bill will be introduced for passage in the adjourned meeting of the Legislature of Alabama to convene July 1923:

An Act, entitled an Act to re-arrange and redistrict the Commissioners Court Districts of Pickens County, Alabama:

Section 1. That the Commissioners Court Districts of Pickens County, Alabama, be and the same are hereby re-arranged and re-districted so as to be as follows: (a) That the First District shall be composed of the following named beats: Henry, Providence, Vail's Palmetto, Ethelville or Yorkville, Beard's and Reform, and shall embrace the territory in said County now covered by said beats. (b) That the Second District shall be composed of the following beats: King's Store, Olney, Franconia, or Aliceville, Vienna, Bethany, Cochran or Fairfield, Dancy and Memphis, and shall embrace the territory in said county now covered by said beats. (c) That the Third District shall be composed of the following beats: Shelton, Corrs, Gordo, Raleigh and Bostick, and shall embrace the territory in said County now covered by said beats. (d) That Fourth District shall be composed of the following beats: Speed's Mill, Carrollton, Spring Hill, Pickensville and Pine Grove, and shall embrace the territory in said county now covered by said beats.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

PROOF OF PUBLICATION.

The State of Alabama, }
Pickens County. }

Before me, a Notary Public for said County, personally appeared Ben T. Rapport, Publisher of The West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dated as follows: June 14, 1923, June 21, 1923, June 28, 1923, July 5, 1923.

Ben T. Rapport.

Subscribed and sworn to before me, this the 10th day of July, 1923.

Ethel Ferguson,

Notary Public.

By Mr. Sanders of Pike (with notice and proof) :

H. 398. To provide for an election by the qualified voters of Pike County, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike County," approved December the 9th, 1890, shall be repealed so as to prevent stock from running at large in Pike County at any time during the year.

Local Legislation.

Notice and proof H. 398:

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its session to be assembled on the 10th day of July, 1923, for the passage of an act in substance as follows: To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike county, approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year, to provide that said election shall be held on Tuesday, the 14th day of August, 1923, that the publication of this notice shall be notice of the holding of said election, and that if a majority of those voting on such issue in said election favor the repeal of section six of said act, so as to prevent stock from running at large in Pike county at any time during the year, that the result of said election shall be that section six of said act is repealed and that thereafter it shall be unlawful for stock to run at large in Pike county at any time during the year.

The State of Alabama, }
 Pike County. }

Before me, T. V. Ballard, a Notary Public in and for said State and County, personally appeared B. G. McCalman, who being by me first duly sworn deposes and says that he is the editor and publisher of the Troy Herald, a semi-weekly newspaper published in Pike County, Alabama, and that the foregoing notice was published without cost to the State once a week for four consecutive weeks, as follows: The first publication being on June the 19th, 1923; the second publication being on June the 26th, 1923; the third publication being on July the 3rd, 1923; and the fourth publication being on July the 10th, 1923.

B. G. McCalman,
 Editor and Publisher.

Sworn to and subscribed before me this the 11th day of July, 1923.

T. V. Ballard
 Notary Public.

By Mr. Hubbard (with notice and proof) :
 H. 399. For the relief of Ed Smart.

Local Legislation.

Notice and proof H. 399:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama when the Legislature convenes in July, 1923, to-wit:

A bill to be entitled an Act for the relief of Ed. Smart.

Section 1. Be it enacted by the Legislature of Alabama, That immediately after approval of this act, the Judge of Probate of Pike County shall draw his warrant on the county depository of said county in favor of Ed Smart for the sum of one hundred and fifty dollars, being the amount paid by him on the forfeited bail bond of George Stephens, which was forfeited at the January term, 1920, of the Circuit Court of said county. Said warrant to be a preferred claim against the fine and forfeiture fund of said county.

This 15th day of May, 1923.

Ed. Smart.

The State of Alabama, }
 Pike County. }

Before me, C. C. Brannen, a Notary Public in and for said county, personally appeared B. G. McCalman, who is known to me, and who being first duly sworn, deposes and says: That he is the proprietor and editor of the Troy Herald, a semi-weekly newspaper published in the city of Troy, and in Pike County Alabama; that the foregoing notice of the intention to introduce a bill in the Legislature of Alabama when the Legislature convenes in July, 1923, for the relief of Ed Smart, was published once a week for more than four consecutive weeks in the Troy Herald; that said notice first appeared in said paper in the issue of May 15th, 1923, and subsequently appeared in said paper in following issues: May 22nd, May 29th, June 5th, June 12th, June 19th, and June 26th, 1923.

B. G. McCalman.

Sworn to and subscribed before me, this the 9th day of July, 1923, and to which I have hereunto affixed by official seal as Notary Public for Pike County, Alabama.
 (Seal)

C. C. Brannen,
 Notary Public.

By Mr. Embry:

H. 400. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.
 Public Roads and Highways.

By Mr. Fanning (with notice and proof):

H. 401. To establish the Inferior Court of Dora Beat, Precinct No. 13 in Walker County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justice of the Peace therein, to be called the Inferior Court of Dora. "Conferring jurisdiction, and defining same on said court and judge thereof; providing for a judge and officers for said court, and fixing the salary, fees, or compensation of same; defining and providing the qualifications, duties, powers and authorities of the judge and other officers of said court; to provide for the time and place of holding of said court; the issue of process from said court and by the judge thereof; and the disposition of fees, fines, forfeitures and penalties arising therein."

Local Legislation.

Notice and proof H. 401:

NOTICE.

Notice is hereby given that the following bill will be introduced at July session, 1923, of the Legislature, being a bill entitled:

An Act to establish the Inferior Court of Dora Beat, Precinct No. 13, in Walker County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justices of the Peace therein, to be called the Inferior Court of Dora.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for Dora Beat, Precinct No. 13, in Walker County, Alabama, an Inferior Court of law in lieu of all Justices of the Peace therein, including the Notary Public, ex-officio Justice of the Peace; to be called the Inferior Court of Dora.

Section 2. That said Inferior Court is hereby clothed with and shall have and exercise all jurisdiction as is now or may be hereafter conferred by General Law on Justices of the Peace in all civil cases in which the amount involved does not exceed \$100.00; and in criminal cases in all misdemeanors, and such preliminary jurisdiction as is now or may hereafter be conferred by law on Justices of the Peace; but such Court shall not be deemed a Court of Record.

Section 3. That the Judge of said Court shall be appointed by the Governor within fifteen days after the approval of this Act, and shall hold his office until the first Monday after the second Tuesday in January, 1929, and until his successor is elected and qualified; that at the General Election in 1928, and every four years thereafter, a successor shall be elected to said judgeship by the qualified electors of the said precinct, who shall hold his office for the term of four years, and until his successor is elected and qualified.

Section 4. That said Judge, in addition to all authority now or hereafter conferred on Justices of the Peace, shall have also such additional authority and power as may be necessary for the maintenance and exercise of the jurisdiction herein granted and invested in said Inferior Court; and in his absence or disqualification on the said Judge shall appoint in writing a special judge who shall have full power to act for and in place of the regular judge.

Section 5. That before said Judge of said Inferior Court shall enter upon the discharge of the duties of his office he shall give bond with security, in the sum of one thousand dollars to be conditioned and approved in the same manner as is required by law for the conditioning and approving of the bond of Justices of the Peace; and he shall perform the following clerical duties, viz: 1. Keep a civil and criminal docket of all cases in said court as now provided by law for Justices of the Peace, provided said dockets shall show a statement of costs, fees, fines and forfeitures due and collected, and said judge shall make a complete statement of all costs, fees, fines and forfeitures due and collected, quarterly to the Court of County Commissioners of Walker County, Alabama, or whenever they may require. 2. Sign and issue all summons, subpoenas, writs, executions and other process and transcript, under authority of the Court necessary to maintain its jurisdiction and authority, and to insure a proper administration of said Inferior Court. 3. Keep all papers, books, dockets, and records belonging to said office in an orderly manner, with care and security and allow all parties an inspection of the same free of charge. 4. Pay over without delay all moneys he may receive or collect by virtue of his office to the person entitled thereto. 5. Keep his office and the court open each day, except on Sunday and legal holidays between the hours of 9 A. M. and 5 P. M. and perform such other functions and duties as may be appropriate to said office as required by law.

Section 6. That the constable of the said precinct shall be the officer of the said Court and shall perform therefor the usual and appropriate duties of constable, and shall receive for such services the same fees as at present and such fees as may hereafter be allowed constables by the General Law; provided, that the Judge of said Inferior Court may appoint special or deputy constables in civil and criminal cases.

Section 7. That witnesses in cases before said Judge of said Inferior Court shall be entitled to the same fees to be collected in the same manner as provided in like cases before Justices of the Peace, and at the end of the trial they shall receive certificates, and if the said fees are not called for within six months, they shall be forfeited and paid into the county treasurer to the credit of the fine and forfeiture fund.

Section 8. That said Judge shall receive an annual salary of Two thousand four hundred dollars (\$2,400.00) payable on his own warrant at the end of each month out of the funds in his hands; provided, that if said funds in his hands made up of fines, forfeitures and costs due said Judge, be less for any quarter or any one year, than the salary to be paid said Judge for such quarter or for such year, then the Judge's salary shall be diminished by an amount equal to such deficit.

Section 9. That the said Judge shall charge and collect in all cases, civil and criminal, heard and tried by him the same fees now or which may be hereafter allowed by law to Justices of the Peace for like services; and he shall collect, preserve and pay out the same in accordance with the provisions of this Act.

Section 10. That the said Judge shall on or before the first day of January in each year, make a complete statement of all costs, fees, fines and forfeitures collected by him during the past year, and said statement shall also show how and to whom the costs and funds coming into his hands by virtue of his office, were paid out and expended, and if a balance remain in his hands after payment of whatever sums are authorized and directed to be paid by this Act, the said surplus shall be paid to the County Treasurer of Walker County, to the credit of the fine and forfeiture fund of said county.

Section 11. That the said Judge may retain out of the costs, fines and forfeitures collected by him a sum not to exceed \$20.00 per month to be expended by him for the rent, maintenance of a court room, stationery, etc., the location of said court room to be selected by said Judge.

Section 12. That the office of Justice of the Peace and Notary Public, ex-officio Justice of the Peace in Dora Beat, Precinct No. 13, Walker County, Alabama, is hereby abolished; provided that this bill shall become effective upon appointment and qualification of a Judge of said Court, and all causes, proceedings, warrants and other papers pending, returnable to said Court are hereby transferred to said Inferior Court, which shall have the jurisdiction of said matters, the same as if they had been begun in said Inferior Court.

Section 13. Be it further enacted that if any section, paragraph, portion or provision of this Act shall be declared unconstitutional or void for any reason, it shall not affect the validity of the remaining provisions, portions or sections of this Act.

Section 14. Be it further enacted that all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed. Town of Dora, Dora, Alabama.

By F. C. Marquis, Mayor,
Linn Palmer,
T. J. McCabe,
C. W. Jackson,
Wm. D. Scogin,
J. M. McCutcheon,
Aldermen.

Attest:
C. H. Fanning,
City Clerk.

Jasper, Alabama, July 7th, 1923.

State of Alabama, }
Walker County. }

Before me, a Judge of Probate in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, deposes and says that he is publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice copy of which is hereto attached, was published in said newspaper for four consecutive weeks: February 28th, March 7th, 14th and 21st, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 7th day of July, 1923.

E. W. Long,
Judge of Probate.

By Mr. Fanning (with notice and proof) :

H. 402. To provide for the payment of an expense account for the solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Local Legislation.

Notice and proof H. 402:

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Walker County. }

Before me, Judge of Probate in and for said County and State, personally appeared L. S. Richardson, publisher of the Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who

being duly sworn says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, June 6th, June 13th, June 20th, and June 27th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this the 27th day of June, 1923.

(Seal)

E. W. Long,
Judge of Probate.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Marion County. }

Before me, a Notary Public in and for said County and State, personally appeared Plato R. Johnson, publisher of the Marion County News, a weekly newspaper published at Hamilton, Marion County, Ala., who being duly sworn says that the notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, June 7th, June 14th, June 21st, and June 28th, 1923.

Plato R. Johnson,
Publisher.

Sworn to and subscribed before me, this the 29th day of June 1923.

Roy Sanderson,
Clerk Circuit Court.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the sev-

eral counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Winston County. }

Before me, a Notary Public in and for said County and State, personally appeared J. M. Bankston, publisher of the Haleyville Journal, a weekly newspaper, published at Haleyville, Winston County, Alabama, who being duly sworn says that the notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely June 7th June 14th, June 21st, and June 28th, 1923.

J. M. Bankston,
Publisher.

Sworn to and subscribed before me, this the 28th day of June, 1923.
(Seal)

B. J. Cowart, Jr.,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
 Lamar County. }

Before me, a notary public in and for said County and State, personally appeared Flavius McDougal, publisher of the Lamar Democrat, a weekly newspaper, published at Vernon, Lamar County, Alabama, who being duly sworn says that the notice, a copy of which is hereto attached was published in said newspaper for four consecutive weeks, namely, June 6th, June 13th, June 20th, and June 27th, 1923.

Flavius McDougal,
 Publisher.

Sworn to and subscribed before me, this the 3rd day of July, 1923.

O. E. Young,
 Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
 Fayette County. }

Before me, a Notary Public in and for said County and State, personally appeared Turner A. Wilson, publisher of the Fayette Banner, a weekly newspaper, published at Fayette, Fayette County, Alabama, who being duly sworn says that the notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, June 7th, June 14th, June 21st, and June 28th, 1923.

Turner A. Wilson,
 Publisher.

Sworn to and subscribed before me, this the 29th day of June, 1923.

Jas. D. Dickson,
 Notary Public.

By Mr. Fanning (with notice and proof) :

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county

court of Walker County, Alabama, and to repeal all laws and parts of laws in conflict herewith.

Local Legislation.

Notice and proof H. 403:

NOTICE.

Notice is hereby given that application will be made to the approaching session of the Alabama Legislature to pass a bill substantially as follows:

An Act to fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the deputy solicitor of the county court of Walker County, Alabama, be, and the same is hereby fixed at the sum of \$2,400.00 per annum, which shall be payable out of the general fund of Walker County, Alabama, in monthly installments of \$200.00 each upon warrants drawn by the Probate Judge of said county, and the Judge of Probate of Walker County is hereby directed to issue a warrant for the sum of \$200.00 on the first day of the month after the passage of this act, and for the same amount on the first day of each month thereafter payable to deputy solicitor of Walker County, Alabama, for his salary.

Section II. This act shall become effective immediately upon its approval by the Governor, or otherwise becoming a law.

Section III. All laws and parts of laws, general, local or special in so far as they apply to Walker County, in conflict with the provisions of this act, be, and the same are hereby repealed.

M. E. Nettles.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, deposes and says that he is publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks May 30th, June 6th, 13th, and 20th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 7th day of July, 1923.
(Seal)

W. E. Barrett,
Notary Public.

By Mr. Fanning (with notice and proof):

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the Probate Judge of Walker County, Alabama, for acting as Judge of and doing the work of the Judge of the County Court of Walker County, Alabama.

Local Legislation.

Notice and proof H. 404:

NOTICE.

Notice is hereby given that at the present (1923) session of the Legislature of Alabama, application will be made for the passage of an act providing in substance that the salary or compensation which shall annually be paid the Judge of the Probate Court of Walker County for the work of

holding the County Court of Walker County or acting as the Judge of said County Court shall be Fifteen Hundred (\$1500.00) Dollars to be paid in monthly installments out of the general fund of said county of Walker, and that said Act shall become effective immediately upon the approval of the same, provided that for the remainder of the calendar year 1923, the salary of said Judge of the County Court shall only be \$125.00 per month from the first day of the calendar month succeeding the date of the approval of said Act.

E. W. Long.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said County and State, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper, published at Jasper, Walker County, Alabama, who being duly sworn says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, January 17th, 24th, 31st, and February 7th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 18th day of May, 1923.
(Seal)

Steve Cranford.
Notary Public.

By Mr. Fanning (with notice and proof) :

H. 405. For the relief of the county officers in Walker County, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923.

Whereas, certain county officers in Walker County, Alabama, during the ten years immediately preceding January 1st, 1923, failed to make as required by law certain claims against the general fund or any special fund of said county; said failure being due to a misunderstanding of the law which has subsequently been settled by the Court of Appeals, and:

Whereas, such claims are just and would have been legal if presented within the time required by law.

Local Legislation.

Notice and proof H. 405:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama in 1923 providing in substance that in all cases where claims arose or existed in favor of any county officer in Walker County, Alabama, during the ten years immediately preceeding January 1st, 1923, for any kind of service in his or her capacity as such officer and for which service said officer became entitled to fees or other compensation to be paid out of the county treasury of Walker County, Alabama, or from any fund thereof, or in all cases where such services became a claim against Walker County that such officer may have six months after the approval of this act to file claim or claims with the Commissioners Court of Walker County, Alabama, for the allowance of such fees or compensation and the Commissioners Court of said County shall allow such claim or claims and order the same paid out of the general funds of Walker County, Alabama, or any special fund against which the same may have been chargeable and shall cause

warrants to be issued to the party in whose favor the claim is allowed for the amount of any such claim.

This 23rd day of January, 1923.

J. M. Phillips.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper publisher at Jasper, Walker County, Alabama, who being duly sworn, deposes and says that the notice, copy of which is hereto attached, was published in said paper for four consecutive weeks, January 24th, January 31st, February 7th, and February 14th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 7th day of July, 1923.
(Seal)

Steve Cranford,
Notary Public.

By Mr. Henson (By request) :

H. 406. To further provide for the revenues of the State of Alabama.

Ways, Means and Appropriations.

By Mr. Fite (with notice and proof) :

H. 407. To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Local Legislation.

Notice and proof H. 407 :

NOTICE.

Notice is hereby given by the undersigned of the intention to apply to the Legislature of Alabama at its adjourned session, which convenes on the 10th day of July, 1923, for the passage and enactment of a bill which is substantially as follows:

An Act to establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Be it enacted by the Legislature of Alabama:

1. That there is hereby established in and for Jefferson county, except that part of Jefferson county herein particularly described, an inferior court of law which shall be called the Birmingham Court of Common Claims.

2. This court shall have and exercise concurrently with all other courts having like jurisdiction in said county, for and in all of Jefferson county, except territory hereinafter excluded and defined, all the jurisdiction and power which now are, or which hereafter may be by law con-

ferred upon the circuit court of this state, in actions at law, where the amount involved does not exceed five hundred dollars.

3. The jurisdiction of this court will not extend over that portion of Jefferson county which is included in the following precincts, to-wit: William's Precinct No. 1, Jonesboro Precinct No. 2, Parsons' Precinct No. 3, Aaron's Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7; Meak's Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin's Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55.

4. This court shall have no jurisdiction of criminal offenses and no jurisdiction in equity, and no jurisdiction of suits in ejectment.

5. This court shall have authority:

(1) To exercise original jurisdiction of all suits and actions at law, including libel, slander, assault and battery, when the matter or sum in controversy does not exceed five hundred dollars.

(2) To punish contempt by fines not exceeding fifty dollars, and by imprisonment, not exceeding five days.

(3) To prescribe rules and regulations as to pleading and practice as to the time of filing and settling pleading, and to make any necessary orders, rules, and regulations for the dispatch of the business of the court, not contrary to the constitution and statutes of this state, or to the rules adopted by the supreme court, or the circuit court.

6. The judges of this court shall not have authority to grant writs of certiorari, supersedeas, quo warranto, mandamus, nor writs of injunction or ne exeat.

7. Such judges and court have authority to grant writs of attachment and garnishment.

8. Such court shall have jurisdiction over cases under the Workmen's Compensation Act when the matter or sum in controversy does not exceed five hundred dollars.

9. There shall be two divisions of this court, to be known respectively as the first and second division, and there shall be a judge for each division. The judges of the municipal court of Birmingham shall be ex-officio judges of this court. The judge of the first division of the municipal court of Birmingham shall be ex-officio judge of the first division of this court, and the judge of the third division of the municipal court of Birmingham shall be the judge of the second division of this court.

10. That each of said ex-officio judges of the Birmingham Court of Common Claims shall receive as compensation for his services as such ex-officio judge of this court, the sum of \$1,800 per annum, payable in equal monthly installments of \$150 each, out of the county treasury, of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as judge of his respective division of the municipal court of Birmingham.

11. The clerk of the first division of the municipal court of Birmingham shall be ex-officio clerk of the first division of this court, and shall receive as compensation for his services as such ex-officio clerk of this court the sum of \$600 per annum, payable in equal monthly installments of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as clerk of the first division of the municipal court of Birmingham.

12. The clerk of the third division of the municipal court of Birmingham shall be ex-officio clerk of the second division of this court, and shall receive as compensation for his services as such ex-officio clerk of this court the sum of \$600 per annum, payable in equal monthly installments

of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as clerk of the second division of the municipal court of Birmingham.

13. The assistant clerk of the first division of the municipal court of Birmingham shall be ex-officio assistant clerk of the first division of this court, and shall receive as compensation for his or her services as such ex-officio assistant clerk the sum of \$600 per annum, payable in equal monthly installments of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his or her warrant drawn upon the county treasurer, which shall be in addition to his or her salary received for his or her services as assistant clerk of the first division of the municipal court of Birmingham.

The assistant clerk of the third division of the municipal court of Birmingham shall be ex-officio assistant clerk of the second division of this court, and shall receive as compensation for his or her services as such ex-officio assistant clerk of this court, the sum of \$600 per annum payable in equal monthly installments, of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his or her warrant drawn upon the county treasurer, which shall be in addition to his or her salary received for his or her services as assistant clerk of the third division of the municipal court of Birmingham.

That if the business of the court justifies it, the judges may each appoint an additional assistant clerk of this court who shall each receive a salary of \$1,800 per annum, payable in equal monthly installments of \$150 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer.

14. Each ex-officio clerk of this court shall give bond in the penal sum of \$2,500, payable to the state of Alabama, and condition to faithfully discharge the duties of such office, which bond shall be approved by, and filed in the office of, the judge of probate of Jefferson county, Alabama, and which bond shall also be conditioned to pay all moneys to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands, by virtue of his office, and upon the said bond shall be the same liabilities and remedies as upon a bond of a clerk of the circuit court.

15. The bailiffs of the first and third division of the municipal court of Birmingham shall be ex-officio bailiffs of this court, and shall attend upon said court and discharge such duties as may be required of them by the judge. Each said ex-officio bailiff of this court shall receive as compensation for his services as such ex-officio bailiff of this court, the sum of \$480 per annum, payable in equal monthly installments of \$40 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as bailiff of the municipal court of Birmingham.

16. The constables of precincts 37 and 21 of Jefferson county, Alabama, shall be ex-officio officers of this court, and shall be required to attend its hearings and may serve any of its processes and writs by himself or his duly appointed deputies in any part of the territory over which this court shall have jurisdiction and shall receive for such services the same fees as provided by law for like services by the sheriff of Jefferson county. The said constables as to any or all writs or processes of this court shall have all the power and authority conferred by law upon sheriffs of Jefferson county.

17. The judge of each division shall conduct the business in his court and issue its writs, as if each division were a separate court, but each judge may sit and hold court in any other divisions, and each judge may transfer causes from his division to another division of this court which causes so

transferred shall proceed as if the same had originated in the division to which such cause was transferred.

18. The practice, procedure, judgments, and records in this court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts, so far as applicable, and except as otherwise provided in this act, and shall conform and be governed as far as practicable by the practice and procedure in the municipal court of Birmingham.

19. Every intendment is in favor of the sufficiency and validity of proceedings in this court when brought in question, either directly, or collaterally, in any of the courts of the state where it appears on the face of the proceedings that this court had jurisdiction of the subject matter and of the parties.

20. The clerk of each division shall issue all processes out of said court returnable to his division; the clerk shall approve all bonds, and shall keep a docket of his division of the said court, and shall certify all transfers of causes, and all appeals.

21. All judgments required to be signed, shall be signed by one of the judges. A judgment shall not be required to be more formal than a judgment rendered in a court of a justice of the peace, and shall be governed by the same laws as a judgment in the court of a justice of the peace.

22. The fees and costs that are now allowed by law in cases in the circuit court of Jefferson county, except the library tax shall be taxed and collected as now provided by law in the circuit court, or as may hereafter be provided in such cases, and shall by the clerk of each division be paid into the county treasury.

23. In all cases commenced in this court by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint on a certain day to be fixed by the clerk, but shall not be tried less than seven days after the service of the summons and complaint upon him; and in all cases at law commenced by attachment, the defendant shall appear and demur or plead seven days after the levying of the attachment and service of notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within seven days after service is perfected by publication, and publication shall be once a week for three consecutive weeks in some newspaper published in Jefferson county, Alabama; and in all other cases at law, the defendant must appear and plead or demur at the time designated by the clerk in the summons, not less than seven days after service of summons and complaint upon him; and in all cases whether commenced by summons and complaint, attachment, or otherwise, any defendant failing within the time provided herein to appear and demur or plead, shall be held in default, and at any time thereafter judgment by default, on motion of plaintiff, may be rendered against him, provided, however, that the court may for good cause shown allow such judgment so obtained by default to be set aside and demurrer or plea be filed on such terms as the court may think just, provided that said motion is filed within the time provided for such motions, or continued while the same is within the breast of the court, as required by law.

26. The plaintiff electing to bring suit in this court shall endorse upon his complaint that he waives a trial by jury, and his election to file his suit in this court shall be deemed as a matter of law as his waiver of his right to have such cause tried by a jury.

27. That in all cases filed in this court the issues and questions of fact shall be tried by the court, without the intervention of a jury, unless a jury be demanded by the defendant at the time he appears, or by any other person interested in such issue, or question, at the time he appears, such demand must be made by such person that intervenes upon the pleading or

paper filed by him for the purpose of presenting such issue or question of fact, and by the defendant, or other party occupying the position of defendant, including the garnishee, by making a formal written demand upon the demurrer, plea, or other pleading filed by him, that he demands a trial by jury, and such demand must be in writing, signed by the party, or his attorney, and filed with the clerk of the court at the time of his appearance and not later than the return day of the process.

28. When a defendant, or other party occupying the position of defendant, or other party entitled thereto, shall have demanded a trial by jury in the manner and within the time provided, the clerk of this court shall transfer all the papers in said cause to the clerk of the circuit court of Jefferson county, and the said cause shall there proceed as if said cause had originated in said circuit court, except as otherwise provided in this act.

29. It shall be the duty of the presiding judge of the circuit court, or the judge acting as presiding judge, to cause such cases so transferred to be promptly set and promptly tried; that upon the trial of said cases in the circuit court, whether the said cause be transferred thereto, or appealed thereto, as hereinafter provided, the court shall be liberal in the allowance of amendments as to parties, form, or cause of action, or statement of the cause of action, * * * or reach the merits; and upon such trial in the circuit court, the defendant shall be entitled to prove under the general issue any matter of defense as if specially plead, and the plaintiff may introduce in evidence by way of reply, any evidence as if well plead, by way of replication; that upon the trial of such cause in the circuit court, the plaintiff shall make orally a brief and succinct statement of his case, and the defendant, of his defense and the plaintiff of his reply or answer to such defense.

28. That the term of this court shall commence on the first day of January of each year, and end on the 31st day of December of each year, that final judgments rendered by said court shall after the expiration of ten days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of said court at which said judgment is rendered had ended at the end of said ten days, provided, however, that nothing herein contained shall prevent the parties from applying for new trials, or rehearing within said ten days, or prevent the court within said ten days from continuing said motion for a rehearing, to some other time.

29. Unless otherwise ordered by the court, all garnishments issued by said court shall require an answer thereto within seven days after the service thereof; and upon the failure of any garnishee to make answer within such seven days, he shall be deemed in default and a judgment nisi may be rendered against him on motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi; unless otherwise ordered by the court, all citations, rules, scire facias, and notices issued by this court shall require the party against whom they are issued to appear and plead within seven days after service thereof, or if the citations or notices are to be given by publication, within seven days after the perfection of such publication.

30. Any party may appeal from any judgment rendered against him by this court, to the circuit court, or court of like jurisdiction, within seven days after the rendition thereof.

31. No cause can be appealed from this court to the circuit court, or other court of like jurisdiction, by appeal or certiorari unless the party applying for such appeal first executes a bond with sufficient sureties, payable to the adverse party, with condition to pay such judgment as may be rendered against him by the court, to which the cause is sought to be removed; and no cause can be removed from this court by certiorari after four months from the rendition of the judgment.

32. If such appeal or certiorari is applied for by a defendant, claimant, garnishee, or any other party against whom a judgment for the pay-

ment of money has been rendered such bond shall be in double the amount of the judgment rendered against him, including the costs; in all other causes, in such amount as may be prescribed by the judge of this court.

33. When an appeal is taken, the clerk must return promptly all the original papers of the cause, together with a statement signed by him of the case and the judgment rendered by the court to the clerk of the court to which the appeal was taken.

34. The clerk must also issue a notice to the appellee that such appeal has been taken which must be executed by personal service on him, his agent or attorney five days before the return term of the appeal, and must be returned promptly by the constable or other officer to the clerk of the court to which the appeal was taken, but in lieu of notice by personal service to the appellee, or his agent or attorney, the clerk may send said notice by registered mail addressed to the appellee, his agent or attorney, with demand for a return receipt, and such return receipt, signed by the appellee, his agent or attorney, shall be proof of said notice.

35. If the appellee after the appeal is taken moves out of the county, or absconds, or secretes himself so that notice cannot be served on him, it shall be the duty of the constable to execute such notice by leaving a copy at the residence, or late residence of the appellee, and by posting the same in front of the courthouse door of the county of Jefferson, and return the facts to the clerk of the court to which the appeal was taken on or before the second day of the term.

36. That in all causes removed from this court to the circuit court by appeal, the issues and questions of fact shall be tried by the circuit court without the intervention of a jury.

37. That any party to a cause in this court, or upon the trial of any cause in the circuit court, of a cause appealed or transferred from this court, may deposit with the clerk of this court, or the circuit court, as the case may be, the necessary postage with the names and addresses of the witnesses, and it shall thereupon be the duty of the clerk of this court, or of the circuit court, as the case may be, to summons said witnesses, by addressing a letter to them, at such addresses, duly registered, with demand for return receipts, and such return receipt shall be proof of the service of said summons upon such witness, and any such witness being so served and failing to appear, shall be in contempt of the court, and may be attached and punished as provided by law as to parties guilty of contempt, and may also be imprisoned.

38. When the business of this court is such as to require it, the judges of this court, or either of them, with the consent of the presiding judge of the circuit court, may order the clerk of this court to transfer causes from this court to the circuit court, and it shall thereupon be the duty of the clerk of the circuit court to receive and docket said causes, and said causes shall thereupon proceed in said circuit court as if originally brought therein.

39. The presiding judge of the circuit court or the judge acting as such may require any of the judges of this court to sit in the circuit court upon the trial of causes transferred or appealed from this court to the circuit court, and the judge of this court so sitting shall in the trial of such causes have all the power and authority of the judge of the circuit court, provided, however, that no judge of this court shall preside and hear a cause on appeal which said judge tried in this court.

40. That judgments of this court may be recorded as provided by sections 4156, 4157, 4158, and 4159 of the Code of Alabama, and said provisions of the code and said laws shall be applicable to judgments and proceedings in this court.

41. That upon appeal from the circuit court from any cause appealed or transferred to the circuit court from this court, in lieu of bill of excep-

tions, the appellant may file a transcript of the stenographic report of the trial certified by the trial judge that it is a true and correct transcript of the proceedings, and said transcript shall be treated by the supreme court as if it were the bill of exceptions, or as may hereafter be provided by law for recording judgments in the circuit court.

42. All witnesses shall receive the mileage and per diem for attendance on this court, as provided by law for witnesses in the circuit court.

43. That the board of revenue of Jefferson county shall provide a place for the holding of said court and shall furnish all the necessary stationery, papers, and all other things provided for the circuit court of Jefferson county that may be necessary for the operation and maintenance of this court.

44. The sheriff of Jefferson county shall execute such processes and writs of this court as this court may require of him and make return thereof.

45. That all laws or parts of laws, general or special, in conflict with the provisions of this act, shall be, and the same are hereby repealed.

46. That if any section or provisions of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision, which is not in and of itself void or unconstitutional.

47. The law applicable to the levying of executions issued by justices of the peace shall apply to the issuing and levying of executions in this court, so far as applicable. If the defendant has no personal property known to the constable or levying officer, or if it is insufficient to satisfy the execution, he must endorse the fact upon the execution, and he may then levy on land of the defendant subject to execution, describing it in his levy and making return thereof to this court, and the clerk of this court shall thereupon immediately transmit all the papers in the cause to the circuit court. Thereupon said case and levy shall proceed as is provided in sections 4682, 4683 and 4684 of the code of Alabama, or such laws as may hereafter be enacted governing the levy and sale of lands under a writ issued by a justice of the peace.

Thos. J. Lea.

State of Alabama, }
Jefferson County. }

Before the undersigned Notary Public in and for said County, in said State, personally appeared George M. Howle, who being known to me, and who being duly and regularly sworn, deposes and says that he is the editor and publisher of The Weekly Call, a newspaper of general circulation, published at Birmingham, Jefferson County, Alabama, published weekly; that the notice and proposed law, a copy of which is hereto attached, was published once a week for four consecutive weeks in The Weekly Call, as follows: June 16th, June 23rd and June 30th, and July 7th, 1923; that the notice of the intention to apply to the Legislature of Alabama, which convenes an adjourned session on July 10th, 1923, for the passage of the said proposed law, together with the said proposed law, a copy of which said proposed law and said notice are attached hereto, are in the exact words and figures as were published in the said The Weekly Call on the dates hereinabove stated; that said notice of the proposed law have been published and have appeared regularly in four weekly issues of The Weekly Call on the said June 16th, June 23rd, June 30th and July 7th, 1923.

Geo. M. Howle.

Subscribed and sworn to before me, this 12th day of July, 1923.

Herbert J. Ward,
Notary Public.

By Mr. Fite (with notice and proof) :

H. 408. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Local Legislation.

Notice and proof H. 408:

NOTICE.

Notice is hereby given, that the following bill or a bill in substance as follows, will be introduced at the present session of the Legislature:

A bill to be entitled an Act to create and establish an Inferior Court of Criminal and Civil Jurisdiction for that part of Jefferson County, Alabama, included within Precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55 as now constituted, to define the jurisdiction and powers of said court, the Judge, Clerk and other officers thereof; to provide for a place of holding said Court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for that part of Jefferson county, Alabama, included within Precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55 as now constituted a court, which shall be known as and called "Bessemer Court of Misdemeanors" which said court is invested with and shall have and exercise within said precincts and territory original and final jurisdiction of all misdemeanors committed therein and concurrent jurisdiction with the Circuit court of said county in misdemeanor cases, the same as is now or hereafter may be conferred by law on said Circuit court, but shall try all persons charged with an offense without a jury; provided, however, that the jurisdiction of said court to try cases shall not include those offenses tryable in the Juvenile court of said county, nor offenses for a violation of the prohibition laws; and said Bessemer Court of Misdemeanors shall have and exercise preliminary jurisdiction in all felony cases committed within said Precincts or territory of said county that is now or hereafter may be conferred by law upon Justices of the Peace of said territory, or upon Inferior courts created in lieu of Justices of Peace in said territory; and said Bessemer Court of Misdemeanors shall have and exercise jurisdiction in civil cases in said precincts or territory concurrently with Justices of the Peace of said territory. In the trial of defendants charged with felonies said court shall conform to and be governed by the rules, practice and procedure, and shall have and exercise the same power and authority as that now or that may be hereafter conferred on Justices of the Peace in said territory. In all cases wherein the defendant is charged with a misdemeanor over which said court has final jurisdiction as provided for in this act, the trial shall be governed by the rules, procedure and practices that prevails in the trial of such cases in the county courts of this State. In the trial of civil cases in said court the said court shall be governed by the same rules, practice and procedure as governed such trials before Justice of the Peace in said territory. No prosecution shall be instituted in said court by indictment, but all prosecutions shall be commenced and all trials of criminal cases in said court shall be had upon affidavit and warrant in the same

manner as such prosecutions are commenced and such trials had in the County Courts of this State. A trial by a jury in said Court cannot be had.

Section 2. That the Judge of the Inferior Court of Bessemer, Alabama, shall be and shall act as the Ex-officio Judge of the Bessemer Court of Misdemeanors. Any Judge or person authorized to act as Judge of said Inferior Court of Bessemer, shall by virtue thereof be authorized to and shall act as Ex-officio Judge of said Bessemer Court of Misdemeanors.

Section 3. That the said Ex-officio Judge of said Bessemer Court of Misdemeanors shall receive as compensation for his services as such Ex-officio Judge of said Court the sum of One Thousand Six Hundred (\$1,600.00) Dollars per annum, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama, upon the warrant of said Ex-officio Judge drawn upon the County Treasurer of said County, which said compensation shall be in addition to his salary received for his services as Judge of the said Inferior Court of Bessemer.

Section 4. That it shall be the duty of the Board of Revenue of Jefferson County, Alabama, to provide said Court with all necessary blanks, stationery, dockets, books, a place for holding said Court and supplies, including a seal.

Section 5. That the Ex-officio Judge of said Court shall be a Magistrate and conservator of the peace, may take affidavits and warrants in felony cases returnable before himself, or before any other Magistrate having jurisdiction, and may take affidavits and warrants for misdemeanors directly returnable to himself in cases in which said court shall have final jurisdiction of the offense, or in cases where said court does not have final jurisdiction, to any court having final jurisdiction thereof, including warrants returnable to the Juvenile Court of Jefferson County, Alabama. And in addition to the foregoing said Ex-officio Judge of said Court may take directly returnable to any other Court having jurisdiction thereof although this court has final jurisdiction of said misdemeanors. For his services as to all acts done by him said Ex-officio Judge is entitled to the same compensation as provided by law for Justices of the Peace in said territory in such cases, which compensation shall be collected as costs and shall be paid into the County Treasury by said Ex-officio Judge or by the Ex-officio Clerk of said Court, who shall collect and receive said costs. The costs and fees so collected shall not be the property of said Ex-officio Judge or said Ex-officio Clerk, but shall be the property of Jefferson County, Alabama and said Ex-officio Judge and Clerk shall receive for their services no other compensation than the salaries provided for them. The said Ex-officio Judge of said Court shall have the power and authority to punish for contempt in cases where the Judge of the Circuit Court of this State can punish for contempt by a fine, not exceeding Fifty (\$50.00) Dollars and by imprisonment in the county jail not exceeding five days, one or both. The said court herein provided for and established shall be a court of record with a seal.

Section 6. That the Clerk of the Inferior Court of Bessemer shall be and act as the Ex-officio Clerk of said Bessemer Court of Misdemeanors and as compensation therefor shall receive nine hundred (\$900.00) per annum, which shall be added to his salary received as clerk of said Inferior Court of Bessemer. In the event the business of said court becomes such as to justify it, the said Ex-officio Clerk with the consent and concurrence of the Board of Revenue of Jefferson County, Alabama, may appoint a Deputy Clerk of said court, which said deputy clerk shall be entitled to and shall receive such compensation as the Board of Revenue shall prescribe, not in excess of Nine Hundred (\$900.00) dollars per annum, payable in equal monthly installments out of the County Treasury

of Jefferson County, Alabama, on the warrant of said Ex-officio Clerk approved by said Ex-officio Judge and said deputy clerk may be either a male or female. Said deputy clerk shall hold office at the will of said Ex-officio Clerk and shall perform such duties in connection with said office as said Ex-officio clerk shall impose.

Section 7. The dutes of said Ex-officio Clerk shall be to keep a record of all proceedings of said court. He shall keep in a book to be furnished by the Board of Revenue of Jefferson County, a properly arranged docket of all cases tried in said Court including all examinations and felony or the date of the issuance and return of all process and a statement of the judgment rendered in the case, which shall be sufficiently clear to show what was done in the case, together with an itemized statement of the bill of cost and by whom paid. In all cases tried in said court and for all acts done in said court the same fees shall be taxed and collected as may now or hereafter be allowed by law in County Courts of this State, except as herein otherwise provided. All costs, fines, forfeitures and penalties, when collected, shall by the Ex-officio Clerk of said Court under the supervision of said Ex-officio Judge of said court be paid into the County Treasury of said County, and such payments are required to be made at least once in each month.

Section 8. That all process of whatever nature or kind issued out of said Court shall be addressed to the Sheriff of Jefferson County, Alabama, or to any other lawful officer and shall be executed by said Sheriff or lawful officer or deputy thereof. The said Ex-officio Judge of said Court has the authority to require the Sheriff of said County, or one of his deputies to attend upon the sessions of said Court.

Section 9. That the Deputy Solicitor of the Bessemer Division of the Circuit Court of Jefferson County, Alabama, shall either in person or by deputy attend upon the sessions of said Court and prosecute all criminal cases, regardless of whether it is a preliminary trial or otherwise. There shall be taxed as a part of the costs in each misdemeanor case tried in said Court a solicitor's fee of \$5.00, which fee shall be collected as other costs are collected in such cases and paid into the County Treasury of Jefferson County, Alabama. The Deputy Solicitor of the Bessemer Division of the Circuit Court of Jefferson County, Alabama is authorized to employ one assistant at a salary of not exceeding \$125.00 per month, payable out of the County Treasury on the warrant of such Deputy Solicitor, to assist him in the prosecution of criminal cases in said Court and to hold his office by appointment of and may be discharged by said Deputy Circuit Solicitor.

Section 10. Each calendar month shall constitute a term of said Court, except that after five days from the rendition of a judgment in any cause the said judgment shall be beyond the jurisdiction and out of the power of the Court, the same as if the term of the court ended on said fifth day after the rendition of said judgment.

Section 11. That the court shall be opened at the discretion of the judge presiding over said court any day during the week except Sunday for the trial of offenses, committed within the Jurisdiction of said Court, but no person shall be tried on the same day or the next day after his arrest without his consent: provided, the judge presiding over said Court may in his discretion set apart certain days in each month for the trial of all misdemeanor cases in said court.

Section 12. That in the trial of cases before this Court, there shall be no right to demand a trial by a jury, but the Ex-officio Judge of said Court shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand and render such judgments in other

cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense may be made other than that contained in the affidavit and warrant. That in the trial of misdemeanor cases the forms for proceedings in the County Courts of this State, or substantially the same forms in so far as they are applicable to this court, may be used in cases tried in this Court. In preliminary proceedings in felony cases and in civil cases the forms and procedure shall be the same or as nearly the same as practicable as that provided for such proceedings in Justice Courts in the territory over which this Court has jurisdiction.

Section 13. That the judgment in case of conviction in cases tried by said court in substantially the following form: The State against A. B. (here state the offense charged by name). On hearing the evidence the Court is satisfied of the guilt of the defendant and awards the following punishment (here state the punishment) and the costs of the proceedings: Ex-officio Judge of Bessemer Court of Misdemeanors. If the defendant is acquitted the judgment must be that the defendant is discharged. In preliminary hearings, in felony cases and in the trial of civil cases the judgment shall conform as near as may be to the judgment in such cases in the Justice Courts of the territory over which this Court has jurisdiction.

Section 14. That, upon a conviction of any defendant in a misdemeanor case in said court, the court shall have the right to suspend sentence whenever in the discretion of said court the same may be advisable, under such terms and conditions and for such time as may be prescribed by said Judge for the ends of justice.

Section 15. That in addition to the power and jurisdiction herein conferred upon said court it shall have and it is hereby given authority and jurisdiction to sentence to perform hard labor for the County of Jefferson for the payment of fines and costs in the same manner and to the same extent as the Circuit Courts of this State have authority and jurisdiction so to do.

Section 16. This court shall have the power to set aside, vacate or modify its judgments rendered in all cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; and this court may open for business and render default and other judgments after 9 o'clock of each day, except Sunday, and all process of the court where no time is otherwise fixed shall be returnable at 9 o'clock a. m. of the return day.

Section 17. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, which may be in the following form:

State of Alabama

vs.

A. B., Defendant,
C. D. and E. F. his sureties.

IN THE BESSEMER COURT OF MISDEMEANORS

..... day of 192.....

In this cause A. B. failing to appear and answer the charge against him for (here set out the offense), a judgment is entered against him and his said sureties, to-wit..... for Dollars, (the amount of the penalty of the bond) in favor of the State of Alabama, for the use of Jefferson County, unless they appear at the next term of this Court, and show cause to the contrary; and it is ordered that notice issue to them.

Section 18. That all bonds returnable to said Court where forfeitures have been taken, for failure of the defendant to appear, the said Court shall

have the authority to issue and shall cause to issue sci. fas. to the bondsmen, which shall be returnable in not less than thirty days from the date of issuance and upon final hearing the said Court shall have the authority to pass upon the forfeiture, or make the same final, or take such other action in the Circuit Court of said County may be authorized to take in case of appearance bonds to said Circuit Courts.

Section 19. That any prosecution in said court, if it appear to the court that such prosecution is frivolous or malicious, the court shall, after hearing the facts, render summary judgment and tax the prosecutor or the person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit, he may confess judgment for the same with good and sufficient sureties, and failing to do so or to presently pay the same such person must be imprisoned in the County jail or sentenced to hard labor for Jefferson County for the payment of the same for such a term as may be required to pay the same not to exceed ten days.

Section 20. That witnesses in misdemeanor cases in said Court shall be entitled to the same fees, to be collected in the same manner as is provided in like cases before the County Courts in this State, and at the end of the trial or examination they shall receive a certificate of attendance from the clerk of said Court, and if the said fees are not called for within three months after paid into said court, they shall be forfeited and paid into the Treasury of said County. In preliminary investigations of felony cases and in trials of civil cases the witness fees shall be governed by the law applicable to Justices of the Peace in like cases in the territory over which this Court has jurisdiction.

Section 21. That appeals from judgments rendered in said Court in cases over which said Court has final jurisdiction may be taken by the defendant in misdemeanor cases and by either the plaintiff or defendant in civil cases to the Bessemer Division of the Circuit Court of Jefferson County, Alabama, within five days after the rendition of such judgment, and in the manner as is provided by law for appeals to be taken from the County Courts of this State, if a misdemeanor case, or from Justice Courts of the territory over which this court has jurisdiction, if a civil case, to the Circuit Courts of this State, and a jury may be had on demand of the defendant if a misdemeanor case, and on demand of either party if a civil case, as provided by law, and all appeals taken as herein provided for shall be tried de novo and be preferred cases in said Circuit Court and shall be governed in all respects by the rules and regulations provided by law for the trial of appeals in the Circuit Court from the County Courts of this State and from Justice Courts, as the case may be, in so far as the same may be applicable. In the precincts and territory named herein wherein said precinct and territory are now, under existing law or laws under jurisdiction of an Inferior Court created in lieu of Justices of the Peace as to the matters and parties as to which jurisdiction is conferred by this act, the jurisdiction of such Inferior Court shall prevail as to such precinct and territory as to such matters and parties, and the jurisdiction of the court hereby created shall be excluded therefrom.

Section 22. That if any section, clause or provision of this Act shall be declared to be unconstitutional or held invalid, it shall not be held to effect any other section, clause or provision which is not in itself unconstitutional or invalid but such provision shall remain in full force and effect.

Section 23. That all laws and parts of laws, general, special or local in conflict with the provisions of this Act be and the same are hereby repealed.

Arthur Green,
Secretary Bessemer Bar Association.

State of Alabama, }
 Jefferson County. }

Before me, F. R. Mathews, a Notary Public in and for said County in said State, personally appeared A. K. Williamson, the editor and manager of the Bessemer Advertiser, who being by me duly sworn, deposes and says that the foregoing attached notice was published in the Bessemer Advertiser, a weekly newspaper of general circulation published at Bessemer, Jefferson County, Alabama, for four (4) consecutive weeks, that is January 11th 1923, January 18th, 1923, January 25th, 1923, and February 1st, 1923, and that he is the editor and manager of said newspaper, and that said notice was published without cost to the State.

A. K. Williamson.

Sworn to and subscribed before me this the 5th day of February, 1923.
 (Seal)

F. R. Mathews,
 Notary Public.

BILLS ON SECOND READING.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 186. Relating to the terms of office and a change in the terms of office of all municipal officers in all cities in this State having more than 150,000 population, according to the last or any succeeding Federal census; to authorize and provide for the termination of the terms of office of all such officers by a recall election and to provide for the election of their successors at a succeeding election.

S. 11. To authorize and empower the Council of Cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve Post Office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

S. 80. To amend Section 1191 of the Code of 1907 of Alabama.

S. 130. To repeal an act entitled "An Act to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the

selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act,' approved September 28, 1915."

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with an adverse report:

H. 203. To require all city and town governing authorities to make and publish the minutes of every regular or called meeting in some newspaper published in said city or town, showing

all transactions had at said meeting and to provide penalties for the violation of this Act.

H. 208. To require all city and town governing authorities to make and publish annually in some newspaper published in their respective towns or cities, a report of all tax returns made in said town or city, specifying the names of persons making returns, and all property returned by them, both real and personal; to provide payment for said publications; and to provide penalties for the violation of this Act.

H. 215. To require all city and town governing authorities to make and publish an itemized quarterly statement in some newspaper published in said city or town, showing all receipts and disbursements, and to provide penalties for the violation of this act.

The above bills were read a second time and placed on the Adverse Calendar.

ANNOUNCEMENT OF COMMITTEE APPOINTMENT.

The Speaker announced the appointment of Mr. McDaniel, Representative from Marengo County, on the following Standing Committees of the House: Rules, Judiciary, Mining and Manufacturing, and Labor and Immigration.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Foster:

S. J. R. 98. Resolved by the Senate, the House concurring, that when the Legislature adjourns today, it adjourn to meet Thursday morning at 10 o'clock.

SENATE MESSAGE.

On motion of Mr. Long, the rules were suspended, and the resolution set out in the above and foregoing Senate message was concurred in and adopted.

BILLS ON THIRD READING.

S. 28. To amend Section 1188 of the Code of 1907.

Was taken up. Mr. Grove offered the following amendment to the bill:

Amend said bill by adding thereto the following: "The provisions of this Act shall not apply to cities operating under Commission form of Government."

And the amendment was adopted.

Yeas, 66; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Letson	Rutherford
Adcock	Fanning	Long	St. John
Allen	Fite	Love	Sanders (Pike)
Arrington	Gaines	McDaniel	Sessions
Ashcraft (Fayette)	Glenn	McGowen	Smith (Clay)
Ashcraft (Lauderd'e)	Glover	Mooneyham	Snodgrass
Bealle	Goodwyn	Moxley	Sollie
Blackwell	Graves	Nichols	Stewart (Bibb)
Bowen, Lewis	Grove	Norman	Stewart (Calhoun)
Bowen, L. K.	Hampton	Odom	Thompson (Etowah)
Boykin	Henson	Patterson	Tiller
Burns	Hodgson	Poole	Tyson
Burton	Hornsby	Posey	Verner
Byars	Howard	Powell	Wall
Cato	Howze	Ringer	Walton
Cook	Jeter	Rountree	Young
Dickinson	Kilpatrick		

—66

Nays: Messrs. Coleman and Hawkins—2.

And the bill,

S. 28. To amend Section 1188 of the Code of 1907.

As amended, was read a third time at length and passed.

Yeas, 58; *nays*, 2.

Yeas:

Messrs:

Mr. Speaker	Fanning	Letson	Rutherford
Adcock	Fite	Long	Sanders (Pike)
Allen	Gaines	Love	Sessions
Ashcraft (Fayette)	Glover	Luck	Smith (Clay)
Ashcraft (Lauderd'e)	Grove	McDaniel	Snodgrass
Blackwell	Hampton	McGowen	Sollie
Bowen, Lewis	Henley	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Henson	Moxley	Stewart (Calhoun)
Boykin	Hodgson	Norman	Tiller
Byars	Hornsby	Odom	Tunstall
Calloway	Howard	Patterson	Tyson
Cato	Howze	Poole	Verner
Cook	Jeter	Ringer	Wyatt
Dickinson	Lee	Rountree	Young
Dowdle	LeMaistre		

—58

Nays: Messrs. Bealle and Coleman—2.

H. 123. To amend Section 7616 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 52; *nays*, 25.

Yeas:

Messrs:

Adams	Fanning	Howard	St. John
Adcock	Fite	Jeter	Smith (Clay)
Arrington	Forman	Letson	Smith (Jefferson)
Ashcraft (Fayette)	Gaines	Mooneyham	Sollie
Ashcraft (Lauderd'e)	Glenn	Moorer	Thompson (Etowah)
Bealle	Goode	Moxley	Tyson
Bowen, Lewis	Goodwyn	Nichols	Verner
Bowen, L. K.	Graves	Norman	Walker
Boykin	Grove	Odom	Wall
Burns	Henley	Parker	Walton
Byars	Henson	Patterson	Ware
Cook	Hodgson	Poole	Williams
Dowdle	Hornsby	Posey	Young

—52

Nays:

Messrs:

Burton	Guy	Long	Rutherford
Cato	Hall	Love	Sanders (Pike)
Coleman	Hawkins	McDaniel	Sessions
Deloney	Jones	Melton	Snodgrass
Dunwoody	Kilpatrick	Ringer	Stewart (Bibb)
Ferrell	Lee	Rountree	Tiller
Glover			

—25

On motion of Mr. Fite the bill was ordered sent to the Senate forthwith without engrossment.

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Was read a third time at length and passed.

Yeas, 67; nays, 6.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Jones	Rutherford
Adams	Dowdle	LeMaistre	St. John
Adcock	Elliott	Letson	Sanders (Pike)
Allen	Fanning	Love	Sessions
Arrington	Ferrell	Luck	Smith (Jefferson)
Ashcraft (Fayette)	Forman	McDaniel	Snodgrass
Ashcraft (Lauderd'e)	Gaines	McGowen	Sollie
Bealle	Glenn	Mooneyham	Stewart (Calhoun)
Blackwell	Glover	Moorer	Thompson (Etowah)
Bowen, Lewis	Goode	Moxley	Tiller
Bowen, L. K.	Goodwyn	Nichols	Tyson
Boykin	Grove	Norman	Verner
Burns	Hatter	Odom	Walker
Burton	Henson	Parker	Ware
Byars	Hodgson	Patterson	Williams
Cato	Hornsby	Posey	Wyatt
Cook	Jeter	Rountree	

Nays:

Messrs:

Coleman
HawkinsPoole
Ringer

Smith (Clay)

Varner

—6

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams
AdcockAllen
ArringtonBealle
Blackwell

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Deloney

Dowdle

Elliott

Embry
Fanning

Ferrell

Fite

Goode

Graves

Grove

Guy

Hall

Hatter

Henley

Henson

Hodgson

Hornsby

Howard

Howze

Hubbard

Jeter

Jones

Lee

Letson

Long

Love

Luck

Melton

Moxley

Nichols

Norman

Odom

Parker

Patterson

Poole

Posey

Powell

Ringer

St. John

Sessions

Snodgrass

Sollie

Thompson (Etowah)

Tiller

Tunstall

Tyson

Walton

Ware

Mrs. Wilkins

Williams

Wyatt

Young

—66

H. 304. To provide for the election of a county treasurer for Blount county, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Bealle

Boykin

Burns

Burton

Byars

Cato

Coleman

Cook

Culver

Deloney

Dickinson

Dowdle

Dunwoody

Elliott

Embry

Fanning

Ferrell

Fite

Gaines

Glenn

Glover

Goode

Goodwyn

Graves

Grove

Hawkins

Henley

Henson

Hodgson	LeMaistre	Poole	Tunstall
Hornsby	Melton	Posey	Tyson
Howard	Mooneyham	Powell	Varner
Howze	Moorer	Ringer	Verner
Hubbard	Moxley	Rountree	Walker
Jeter	Nichols	Rutherford	Wall
Jones	Norman	St. John	Walton
Kilpatrick	Odom	Tiller	Ware
Lee	Parker		

—66

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile county and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Gaines	Nichols	Smith (Jefferson)
Bealle	Glenn	Norman	Snodgrass
Bowen, Lewis	Glover	Odom	Sollie
Bowen, L. K.	Goode	Parker	Tiller
Boykin	Goodwyn	Patterson	Tunstall
Burns	Graves	Poole	Tyson
Burton	Grove	Posey	Varner
Byars	Guy	Powell	Verner
Calloway	Hall	Ringer	Walker
Cato	Hornsby	Rountree	Wall
Christian	Howard	Rutherford	Walton
Culver	Howze	St. John	Ware
Deloney	Hubbard	Sanders (Conecuh)	Mrs. Wilkins
Fanning	Jeter	Sanders (Pike)	Williams
Ferrell	Jones	Sessions	Wyatt
Fite	Long	Smith (Clay)	Young
Forman	Moxley		

—66

H. 262. To further regulate the working of the public roads in Coosa county, Alabama.

Was read a third time at length and passed.

Yeas, 66; nays, 0. ,

Yeas:

Messrs:			
Mr. Speaker	Burns	Embry	Graves
Adams	Burton	Fanning	Grove
Adcock	Byars	Ferrell	Guy
Allen	Calloway	Fite	Hall
Arrington	Cato	Forman	Hampton
Bealle	Christian	Gaines	Hatter
Blackwell	Coleman	Glenn	Hawkins
Bowen, Lewis	Cook	Glover	Henley
Bowen, L. K.	Culver	Goode	Henson
Boykin	Deloney	Goodwyn	Hodgson

Hornsby	Long	Norman	Powell
Howard	Love	Odom	Ringer
Howze	Luck	Parker	Rountree
Hubbard	Melton	Patterson	Rutherford
Jeter	Moorer	Poole	Snodgrass
Jones	Moxley	Posey	Sollie
Letson	Nichols		

—66

H. 241. To amend section 3467 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 63; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Fanning	Letson	Sessions
Adams	Forman	Luck	Smith (Clay)
Adcock	Gaines	McDaniel	Smith (Jefferson)
Allen	Glenn	McGowen	Snodgrass
Ashcraft (Lauder'd'e)	Glover	Mooneyham	Sollie
Bealle	Goodwyn	Moxley	Stewart (Bibb)
Blackwell	Grove	Nichols	Stewart (Calhoun)
Bowen, Lewis	Hatter	Norman	Thompson (Etowah)
Bowen, L. K.	Henley	Odom	Thompson (Jackson)
Boykin	Henson	Parker	Tunstall
Burns	Hodgson	Patterson	Tyson
Burton	Howard	Poole	Varner
Byars	Howze	Ringer	Verner
Cook	Jeter	Rountree	Walker
Deloney	Jones	St. John	Ware
Dickinson	LeMaistre	Sanders (Pike)	

—63

Nays:

Messrs:

Coleman	Hornsby	Walton	
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—3

H. 298. To amend section 15 of an Act approved September 25th, 1915 to establish a board of revenue for Monroe county, Alabama, and prescribing for the members thereof all the duties of the court of county commissioners of said county; to provide for the appointment and fix the term of office of the members of said board of revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Cato	Embry	Glenn
Blackwell	Cook	Fanning	Glover
Boykin	Culver	Ferrell	Goode
Burns	Deloney	Fite	Goodwyn
Burton	Dowdle	Forman	Graves
Byars	Elliott	Gaines	Grove

Guy	Jones	Parker	Sollie
Hall	Kilpatrick	Poole	Tiller
Hatter	Lee	Posey	Tunstall
Hawkins	Love	Powell	Tyson
Henley	Luck	Ringer	Varner
Henson	Melton	St. John	Verner
Hodgson	Moorer	Sessions	Walker
Hornsby	Moxley	Smith (Clay)	Wall
Howard	Nichols	Smith (Jefferson)	Walton
Howze	Norman	Snodgrass	Ware
Jeter	Odum		

—66

H. 190. To amend section 7245 of the Code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 62; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Elliott	Lee	Smith (Clay)
Adams	Fanning	LeMaistre	Smith (Jefferson)
Adcock	Ferrell	Letson	Snodgrass
Allen	Forman	Love	Sollie
Ashcraft (Fayette)	Gaines	McGowen	Stewart (Bibb)
Bealle	Glover	Mooneyham	Stewart (Calhoun)
Blackwell	Goodwyn	Moxley	Thompson (Etowah)
Bowen, Lewis	Grove	Norman	Thompson (Jackson)
Boykin	Guy	Odum	Tiller
Burns	Hatter	Patterson	Tyson
Burton	Henson	Posey	Varner
Byars	Hodgson	Ringer	Walker
Cato	Howard	Rountree	Walton
Deloney	Jeter	Sanders (Pike)	Ware
Dickinson	Jones	Sessions	Mrs. Wilkins
Dowdle	Kilpatrick		

—62

Nays: Mr. Verner—1.

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Forman	Hodgson
Adams	Burton	Gaines	Howard
Adcock	Byars	Goodwyn	Jeter
Allen	Calloway	Graves	Jones
Ashcraft (Fayette)	Cato	Grove	Kilpatrick
Ashcraft (Lauderd'e)	Cook	Hampton	Lee
Bealle	Deloney	Hawkins	LeMaistre
Bowen, L. K.	Dowdle	Henley	Letson
Boykin	Fanning	Henson	Long

Love	Odom	Snodgrass	Verner
Luck	Parker	Sollie	Walker
McDaniel	Patterson	Stewart (Bibb)	Wall
McGowen	Posey	Stewart (Calhoun)	Walton
Mooneyham	Ringer	Thompson (Etowah)	Ware
Moxley	Rountree	Tiller	Mrs. Wilkins
Nichols	Sanders (Pike)	Tyson	Wyatt
Norman	Sessions		

—66

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe county, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe county, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe county; providing for the duties of members of the board of revenue with reference to public roads and bridges of Monroe county; and prescribing penalties for violation of the provisions of the same.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henson	Odom
Adams	Dunwoody	Hodgson	Parker
Adcock	Elliott	Hornsby	Patterson
Allen	Embry	Howard	Poole
Bealle	Fanning	Howze	Posey
Blackwell	Ferrell	Hubbard	Powell
Boykin	Fite	Jeter	Ringer
Burns	Forman	Jones	St. John
Burton	Gaines	Kilpatrick	Sessions
Byars	Glenn	Lee	Sollie
Cato	Glover	Letson	Tiller
Christian	Goode	Long	Tyson
Coleman	Goodwyn	Love	Varner
Cook	Graves	Luck	Verner
Culver	Grove	Melton	Walker
Deloney	Guy	Moorer	Wall
Dickinson	Henley		

—66

H. 242. To authorize circuit court judges, where the judicial district is composed of one county and has but one judge, to appoint a regular court bailiff, and provide his term of office and salary.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Boykin	Byars	Ferrell
Bealle	Burns	Embry	Fite
Blackwell	Burton	Fanning	Gaines

Glenn	Jones	Nichols	Stewart (Calhoun)
Goodwyn	Kilpatrick	Norman	Thompson (Etowah)
Graves	Lee	Odom	Thompson (Jackson)
Grove	LeMaistre	Parker	Tiller
Guy	Letson	Patterson	Tunstall
Hall	Long	Poole	Tyson
Henley	Love	Posey	Verner
Henson	Luck	Powell	Walker
Hodgson	McDaniel	Ringer	Wall
Hornsby	McGowen	Sessions	Walton
Howard	Melton	Snodgrass	Ware
Howze	Mooneyham	Sollie	Mrs. Wilkins
Hubbard	Moorer	Stewart (Bibb)	Young
Jeter	Moxley		

—66

H. 66 (with amendment). To prohibit the having in possession, or use, or operation, of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced; and to prescribe penalties for violation thereof.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

To amend a "Bill to be entitled an Act to prohibit the having in possession, or use, or operation of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced, and to prescribe penalties therefor," by striking out Section One of said bill in words and phrases as follows, to-wit: "That the possession, use or operation of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced is hereby forbidden," and by inserting in lieu thereof and to be known as Section One of said bill the following, to-wit:

That the possession, use or operation of any automobile, automobile truck or motor vehicle of any kind with knowledge that its motor number or serial number is defaced or partially defaced is hereby forbidden; and the possession, use or operation of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced shall be prima facie evidence of knowledge of such defacement or partial defacement.

And the amendment was adopted.

Yeas, 52; nays, 8.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Ashcraft (Fayette)

Ashcraft (Lauderdale)

Bealle

Blackwell

Bowen, L. K.

Burns

Burton

Byars

Calloway

Coleman

Cook

Deloney

Dunwoody	Graves	Moxley	Sollie
Elliott	Grove	Nichols	Stewart (Calhoun)
Embry	Hampton	Norman	Thompson (Etowah)
Fanning	Henley	Patterson	Tyson
Forman	Hodgson	Ringer	Varner
Gaines	Jeter	Rutherford	Walker
Glenn	Letson	Sanders (Pike)	Wall
Glover	Love	Sessions	Walton
Goodwyn	Melton	Snodgrass	Ware

—52

Nays:

Messrs:

Cato

Ferrell

LeMaistre

Odum

Rountree

Smith (Clay)

Stewart (Bibb)

Tiller

—8

H. 66. To prohibit the having in possession, or use, or operation, of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced; and to prescribe penalties for violation thereof.

And the bill as amended was read a third time at length and passed.

Yeas, 48; nays, 8.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Ashcraft (Fayette)

Bealle

Blackwell

Bowen, L. K.

Burns

Burton

Byars

Calloway

Cook

Deloney

Dunwoody

Embry

Fanning

Gaines

Glenn

Glover

Goodwyn

Graves

Grove

Hampton

Henley

Henson

Hodgson

Howze

Letson

Luck

Melton

Nichols

Norman

Patterson

Ringer

Rutherford

St. John

Sanders (Pike)

Sessions

Snodgrass

Sollie

Stewart (Calhoun)

Thompson (Etowah)

Tyson

Varner

Verner

Wall

Ware

—48

Nays:

Messrs:

Cato

Ferrell

Jones

LeMaistre

Odum

Rountree

Smith (Clay)

Tiller

—8

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the resolution:

S. J. R. 87. Relative to placing a statue of General Joseph Wheeler in Statuary Hall at Washington, D. C.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill:
S. 28. To amend Section 1188 of the Code of 1907.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 67. Resolved by the House, the Senate concurring, that it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

And returns same herewith to the House.

J. E. Speight,
Secretary.

INDEFINITELY POSTPONED.

On motion of Mr. Ashcraft of Lauderdale,

H. 166. To amend Sections 14, 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Was indefinitely postponed.

RECOMMITTAL OF BILL.

On motion of Mr. Howze, the bill:

H. 31 (with substitute). To empower municipal corporations to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones, or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence

therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a board of zoning adjustment, and define the authority, powers and functions of such board of zoning adjustment, its procedure, and a review of its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this act.

Was recommended to the Standing Committee on Municipal Organization.

ADJOURNMENT.

Under a Joint Resolution heretofore adopted, the House adjourned until Thursday, July 19th, at 10 o'clock A. M.

TWENTIETH DAY.

House of Representatives,
Thursday, July 19th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Adams of the Senate.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:

Mr. Speaker	Cook	Guy	Love
Adams	Culver	Hall	Luck
Adcock	Deloney	Hampton	McDaniel
Allen	Dickinson	Hatter	McGowen
Arrington	Dowdle	Hawkins	Melton
Ashcraft (Fayette)	Dunwoody	Henley	Mooneyham
Ashcraft (Lauderd'e)	Elliott	Henson	Moorer
Bealle	Embry	Hodgson	Moxley
Blackwell	Fanning	Hornsby	Nichols
Bowen, Lewis	Ferrell	Howard	Norman
Bowen, L. K.	Fite	Howze	Odom
Boykin	Forman	Hubbard	Parker
Burns	Gaines	Jeter	Patterson
Burton	Glenn	Jones	Poole
Byars	Glover	Kilpatrick	Posey
Calloway	Goode	Lee	Powell
Cato	Goodwyn	LeMaistre	Ringer
Christian	Graves	Letson	Rountree
Coleman	Grove	Long	Rutherford

St. John	Snodgrass	Tunstall	Walton
Sanders (Conecuh)	Sollie	Tyson	Ware
Sanders (Pike)	Stewart (Bibb)	Varner	Mrs. Wilkins
Sessions	Stewart (Calhoun)	Verner	Williams
Smith (Clay)	Thompson (Etowah)	Walker	Wyatt
Smith (Jefferson)	Thompson (Jackson)	Wall	Young
Smith (Lee)	Tiller		

—102

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Nineteenth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 19th Day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 262. To further regulate the working of the public roads in Coosa county, Alabama.

Also:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe county, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe county, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe county; providing for the duties of members of the board of revenue with reference to public roads and bridges of Monroe county; and prescribing penalties for violation of the provisions of the same.

Also:

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and

payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

Also:

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile county and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

Also:

H. 298. To amend section 15 of an Act approved September 25th, 1915 to establish a board of revenue for Monroe county, Alabama, and prescribing for the members thereof all the duties of the court of county commissioners of said county, to provide for the appointment and fix the term of office of the members of said board of revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Also:

H. 66. To prohibit the having in possession, or use, or operation, of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced; and to prescribe penalties for violation thereof.

Also:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

Also:

H. 190. To amend section 7245 of the Code of Alabama, 1907.

Also:

H. 241. To amend section 3467 of the Code of Alabama.

Also:

H. 242. To authorize circuit court judges, where the judicial district is composed of one county and has but one judge, to appoint a regular court bailiff, and provide his term of office and salary.

Also:

H. 304. To provide for the election of a county treasurer for Blount county, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

R. L. Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill and Senate Joint Resolution, your signature thereto is requested:

S. 28. To amend Section 1188 of the Code of 1907.

S. 34. To amend Section 3627 of the Code of Alabama of 1907.

S. J. R. 87. Relative to the State placing in the National Statuary Hall at Washington a statue, to the memory of General Joseph Wheeler, the expenses of which are to be borne by the family of General Wheeler.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and Senate Joint Resolution, the titles to which are set out in the above and foregoing message from the Senate.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Cato:

H. J. R. 72. Whereas, since shortly after the close of the War Between the States, when brave men on both sides said the war should end, Alabama and her citizens have rivaled any State, North or South, in their efforts and sincere purpose to do all within their power to co-operate (in spite of all the sorrow and poverty that first existed) in the rebuilding of the Union, and in the restoration of peace, and to live up to the high principles of Americanism; thus making this country what our forefathers intended it to be—the glory of the world, and a blessing to all humanity; and evidencing these high principles this State has rendered its material and substantial services whenever called upon by the National Government as in the days of the war with Spain, and in the dark days of the World War, and

Whereas, Mrs. Lillian R. Maugans, who is the Postmistress of the United States Post Office in the City of Eufaula is the author of the following letter:

Eufaula, Ala., May 31, 1923.

"Yesterday being Decoration Day, we drove over to Andersonville, about 80 miles through the country. The Eufaula people are the nicest in the world but when national holidays come

I feel we are indeed strangers in a strange land, as we are the only Northern people in the city.

The postoffice being the only business closed for the day, these strictly Southern cities do not care to observe World War heroes' celebration on May 30, so they celebrate on April 26, I was obsessed with a longing to celebrate in the good old way. I longed to hear martial music and once more see the 'boys in blue' instead of gray marching to the cemetery. The nearest spot was the national cemetery at Andersonville, Georgia, so we left home right after dinner and got there at about 3 p. m.

To the daughter of a Federal soldier and the step daughter of the loyal J. W. Thatcher, who never tired telling us of the days of the Civil War when he fought in this part of the country, the sight was most wonderful—13,500 graves, each with its headstone bearing name and state of soldier, each one decorated by the ever grateful Uncle Sam with flag and flowers. The Superintendent gave me some roses to send my mother, when I told her she was the wife of two loyal Federal soldiers.

The different states have erected monuments all over the grounds and up there among the magnolias a few yards from the horrors of the prison camp they are sleeping in one of nature's most beautiful spots.

Down in the little town of Andersonville at the foot of the hill whereon is located the national cemetery whose flag may be seen for miles around stands the monument to the General Wirz, who, according to the Northern history, was the cause of all the misery and horror of Andersonville prison. In Southern annals, however, he is a hero, and this monument of a 'brave Confederate soldier.' During the World War, some soldiers painted the monument yellow and I am not ashamed to say I felt kinder glad they had the nerve' when I saw it yesterday. It just seemed a fitting color,"

Which said letter contains statements that are insulting to the South and her noble traditions, and which said letter contains statements which are insulting to true Americanism, and contrary to the ideals of patriotism fostered by our Government; and

Whereas, it is a source of shame and indignation to the citizens of this State to have a person who entertains such degrading and insulting ideas of our proud past and true patriotism, as an officer of one of our great Government Departments here in our midst.

Therefore, be it resolved by the House of Representatives, the Senate concurring, That the action and words of the said Mrs. Maugans are hereby heartily, severely and sternly condemned, and is hereby declared that said declaration on her part is un-

justly insulting to the South and the National Government and is unpatriotic and un-American.

Be it further resolved, That the proper Governmental Department be urged to remove the said Mrs. Maugans as such officer for said words and action on her part—they being unbecoming to any good American Citizen.

Be it further resolved, That, the Secretary of State is hereby instructed to forward an exemplified copy of this resolution under the great seal of the State, to the President of the United States, to the Vice President of the United States, each Representative and Senator of the State of Alabama in our National Congress, and to the Postmaster General of the United States.

And the resolution was adopted by a unanimous rising vote of the House.

By Mr. Ashcraft of Lauderdale :

H. J. R. 73. Whereas, Senator Oscar W. Underwood will address the Legislature in joint session on July 31st.

Therefore, be it resolved by the House, the Senate concurring, that a reception committee is hereby created to be composed of the Lieutenant Governor, the Speaker of the House, one member of the Senate to be appointed by the Presiding Officer of the Senate, and two members of the House to be appointed by the Speaker of the House, and that the Governor be and is hereby requested to act as Chairman of the said reception committee.

The rules were suspended and the resolution was adopted.

ANNOUNCEMENT OF APPOINTMENT.

The Speaker announced the appointment of Mr. Lewis Bowen, Chairman of the Standing Committee on Labor and Immigration, to succeed the Hon. John J. Russell, resigned.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. Sessions (By request) :

H. 409. To amend Section Two of an "Act to provide for holding terms of the Circuit Court of Coffee County twice each year, at both Elba and Enterprise, in said County; to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act."

Judiciary.

By Mr. Sanders of Conecuh (with notice and proof) :

H. 410. To provide for the election of the County Superintendent of Education of and for Conecuh County, Alabama, by

the qualified electors of said County, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Local Legislation.

Notice and proof H. 410:

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama which convenes in July, 1923, for the enactment of a law in substance as follows: To provide for the election of the county superintendent of education in and for Conecuh County by the qualified electors of said County; to prescribe the duties and qualifications of such officer and the length of time he shall hold office, and to fix his compensation and how the same shall be paid.

State of Alabama, }
Conecuh County. }

Personally appeared before me, F. J. Dean, a Notary Public in and for the County and State aforesaid, George W. Salter, who being duly sworn by me according to law, deposes and says that he is the editor and publisher of The Evergreen Courant, a newspaper published at Evergreen in Conecuh County, Alabama, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four consecutive weeks, to-wit: in the issues thereof dated as follows: May 16, 1923; May 23 1923; May 30th, 1923; and June 6th, 1923.

George W. Salter.

Subscribed and sworn to before me this the 12th day of July, 1923.

F. J. Dean,
Notary Public.

By Mr. LeMaistre:

H. 411. To provide for the proper display of the United States Flag and the Flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Revision of Laws.

By Mr. St. John:

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments and lawyers.

Judiciary.

By Mr. Sollie (with notice and proof):

H. 413. To provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building, upkeep and repair of public roads and bridges in Dale County, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and

fix penalties for the violation of the provisions and purposes of this Act.

Municipal Organizations.

Notice and proof H. 413:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the intention to apply for the passage by the Legislature of Alabama at its session to convene July 10th, 1923, of a local Act for Dale County, Alabama, in substance as follows:

A bill to be entitled an Act to provide for the collection of a per capita road tax and for a license tax on all vehicles, including vehicles propelled by animals, electricity, gasoline, or other power whatsoever, to be used for the maintenance, building upkeep and repair of public roads and bridges in Dale County, Alabama; to prescribe the manner and means of raising or collecting such tax; to provide for and regulate the working, building, maintenance, and upkeep of the public roads and bridges and to provide and fix penalties for the violation of the provisions and purposes of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. All male inhabitants of Dale County, Alabama between the ages of eighteen and forty-five years, not exempt from road duty under the general laws of Alabama, shall be required to work upon the public roads of Dale County ten days in each year, or in lieu thereof, shall pay \$7.50 on or before the 1st day of November of each year, and if such sum is not paid by said date an additional fifty cents must be paid, all of which shall accrue to the road fund of said county. All persons subject to road duty not in the county at the beginning of the road year, but who move into the county afterwards shall be subject to the payment of the road tax, or shall work the road as above provided, in the county unless, before coming into the County, they have fully discharged their road duties for the year in which they move into this county. All money collected under the foregoing provisions shall be paid to the Probate Judge of said County by collectors appointed by the Court of County Commissioners, and be credited by him to the Road and Bridge Fund of the County, and it shall be the duty of every person subject to road tax to pay same to the collectors appointed by the Court of County Commissioners to collect said tax in said county; provided that any person residing in any city or incorporated town in said county who has paid street tax or has worked in the discharge of his street tax shall be exempt from the payment of the above tax for the year in which he has paid said street tax or performed said street duty. One collector shall be appointed by the Court of County Commissioners for each beat or precinct in the county. The collectors shall each make bond in an amount to be named and designated by the Court of County Commissioners. The road tax year shall begin on the 1st day of October of each year and end on the 30th day of September of the year following.

Section 2. The Probate Judge of said county shall on or before the 15th day of September of each year prepare or cause to be prepared official road per capita tax receipts duly countersigned by him in books containing one hundred receipts each with a stub attached to each receipt, said receipt and stub to contain blanks for filling in the date, name of the person to whom the receipt is issued, and the road district from which same is issued; and said receipt books shall be furnished by said Probate Judge to the road tax collectors and he shall require of said collectors receipts for said books, which receipts he shall retain for his use in making partial

settlement with said collectors. All of said road per capita tax receipts shall be numbered consecutively. The Probate Judge shall provide and keep a permanent record of all persons subject to road duty, and the road tax collectors must from time to time, make lists of all persons whose names shall appear on the record.

Section 3. It shall be the duty of such collectors in the respective beats of said county to collect and pay over to the Probate Judge of said county the per capita road taxes due in the respective beats. Each collector shall, between the 1st day of October and the 1st day of November in each year make an appointment at one stated public place in his beat at which time and place he shall be present to receive and receipt for said road per capita tax; he shall give notice of such appointment by posting notices, written or printed, at not less than four public places in the beat ten days before the date on which he will be present for the purpose of collecting said per capita tax.

Section 4. The collectors shall receipt for said per capita tax on receipts furnished to them for that purpose by the Probate Judge of said county. They shall make monthly settlements on the 1st day of each month with the Probate Judge for all road per capita taxes collected by them during the preceding month. The collectors shall make their final settlements with said Probate Judge at the time of the last meeting of the county commissioners in each road tax year, at which time they shall each also make a written report to the court stating the number of per capita tax receipts they received from the Probate Judge of said county, the number of receipts issued by them in the discharge of their official duties during the current road tax year the names of those who have paid their road tax to them, and they shall also be required to make any and all other statements and reports relative to their official acts they may be directed to make by the said county commissioners, and if they fail to turn in any of said receipts which they do not account for in their report, and which were not collected by them and paid to the Probate Judge, or if they fail in the discharge of any of their duties under this Act, then they and their bondsmen shall be liable.

Section 5. Any person who issues or uses any road receipt for per capita tax not official or not properly countersigned, or any person using or issuing any per capita tax road receipt for some years other than the year for which it was intended, or any person issuing a per capita road tax receipt when the amount due for same has not been properly paid shall be guilty of a misdemeanor.

Section 6. Any person who issues or causes to be issued a per capita road tax receipt in payment for or in part payment for work done on the public roads of said county or for material furnished for said roads or bridges shall be guilty of a misdemeanor.

Section 7. Any person having failed to pay the per capita road tax as provided herein, or having failed to work the road after warning, as provided by the road laws of Dale County heretofore passed by the Court of County Commissioners, or as provided by any local or general law of the county or state, shall be proceeded against as road defaulters, and punished as such.

Section 8. It is hereby made the duty of every person, firm or corporation employing more than three men in said county to furnish on the application of the commissioners, or either of them, the name of every man in their employment, and to specify if known the place of residence of every employed man, and upon failing or refusing to do so shall be guilty of a misdemeanor.

Section 9. After the first day of November in each year, the road tax collectors herein provided for shall turn over to the road foreman or

supervisor in the commissioners' district in which the road tax collector lives, a list of all persons subject to road duty in their respective beats who have failed to pay the road tax herein provided for. Said road foreman, or supervisor, shall then, at time most convenient for him to work the hands, warn those persons whose names have been turned over to him, giving them two days notice of the time and place to meet on the road, by written notice served upon the person, or left at the place of residence, and any person so warned who fails or refuses to either pay the said tax or work the road without legal excuse shall be proceeded against as a road defaulter, and such defaulter shall be punished as provided by the local laws of Dale County, or the general laws of the State of Alabama, or by the rules and regulations promulgated by the Court of County Commissioners. Upon the payment of the tax or upon completion of the ten days work on the road, the said road foreman or supervisor shall give the person so paying or so working the roads a statement in writing how said person has complied with the warning, and shall also report the same to the Probate Judge who shall enter the same on the permanent record in his office. It shall be the duty of the road foreman or supervisor to have every person who does not pay the road tax herein provided for to work ten full days on the public roads of the county. Any collector, or road foreman or supervisor, who fails to comply with the provisions of this section shall be guilty of a misdemeanor.

Section 10. There is hereby fixed, levied, imposed and required to be paid an annual vehicle license tax upon all vehicles propelled, driven or drawn along, upon or across the public roads or any public road in Dale County, Alabama, as follows:

(a). For each wagon or dray used for hauling logs, timber, lumber, gasoline, kerosene; turpentine or naval stores; bottled drinks; cord wood, cross-ties, stave material, shingle and board material, machinery of any kind, or coal for other than farming purposes exclusively, drawn by two horses, mules, or oxen, or any combination thereof.....\$15.00

(b). For each wagon or dray used for the purposes named above drawn by four horses, mules, or oxen, or any combination thereof.....\$30.00

(c). For each wagon or dray used for the purposes named above drawn by six horses, mules, or oxen, or any combination thereof.....\$50.00

(d). For each wagon or dray used for the purpose named above drawn by eight horses, mules, or oxen, or any combination thereof.....\$75.00

(e). For each one horse wagon, buggy, surrey, or cart used for other than farming purposes exclusively.....\$7.50

(f). For each two horse, wagon, buggy, surrey or cart used for other than farming purposes exclusively.....\$15.00

(g). For each motor truck or automobile used for other than farming purposes exclusively, or used for hire, with pneumatic tires:

(1). With one ton capacity and less.....\$25.00

(2). With over one ton and not over one and one-half tons capacity.....\$50.00

(3). With over one and one-half tons and not over two tons capacity.....\$100.00

(4). With over two tons and not over three tons capacity.....\$150.00

(5). With over three tons and not over four tons capacity.....\$200.00

(6). With over four tons capacity.....\$300.00

(h). For each motor truck or automobile used for other than farming purposes exclusively, or used for hire, with solid tires:

(1). With one ton capacity and less.....\$50.00

(2). With over one ton and not over one and one-half tons capacity.....\$100.00

(3). With over one and one-half tons and not over two tons capacity.....	\$200.00
(4). With over two tons and not over three tons capacity.....	\$300.00
(5). With over three tons and not over four tons capacity.....	\$400.00
(6). With over four tons capacity.....	\$500.00
(i). For each trailer with pneumatic tires:	
(1). To trucks of one ton capacity and less.....	\$50.00
(2). To trucks of one one ton and not over one and one-half tons capacity.....	\$75.00
(3). To trucks of over one and one-half tons and not over two tons capacity.....	\$100.00
(4). To trucks of over two tons and not over three tons capacity.....	\$125.00
(5). To trucks of over three tons and not over four tons capacity.....	\$150.00
(6). To trucks of over four tons capacity.....	\$200.00
(j). For each trailer with solid tires:	
(1). To trucks of one ton capacity and less.....	\$100.00
(2). To trucks of over one ton and not over one and one-half tons capacity.....	\$125.00
(3). To trucks of over one and one-half tons and not over two tons capacity.....	\$150.00
(4). To trucks of over two tons and not over three tons capacity.....	\$175.00
(5). To trucks of over three tons and not over four tons capacity.....	\$200.00
(6). To trucks of over four tons capacity.....	\$250.00
(k). For each tractor driven over the public roads.....	\$50.00
(l). For each tractor operating over the public roads for commercial purposes.....	\$100.00

Section 11. The license tax provided for in the preceding section shall be paid by the owner or person having possession or control of such vehicles on or before the 1st day of November of the year 1923, and each succeeding year, and said license tax shall become delinquent for the year 1923 on the 1st day of November 1923, and said license tax shall become delinquent each year thereafter on the 1st day of November of each succeeding year. Said license tax years shall begin on the 1st day of October of each year and end on the 30th day of September of the year following. Said license tax must be taken out for an entire year, provided that after the first day of May of each year, the said license may be taken out for a half year, the amount to be paid for such half year being one-half the amount to be paid for an entire year.

Section 12. The license tax hereinabove provided for shall be paid to and collected by the Probate Judge in the same manner as the State and County license taxes are paid to and collected by him. The Probate Judge shall have furnished tags to persons or corporations paying the license herein provided for which said tags shall be attached to the rear axle of the vehicle for which said license is paid. The Probate Judge shall keep a record of each vehicle for which such license is paid, and the name of the owner; the cost of obtaining such tags, and printing all books of record pertaining to the road tax receipt and the vehicle license tax, shall be paid by the County out of the funds derived from the road and license tax herein provided for. On or before the fifth day of each month the Probate Judge shall turn into the County depository the proceeds of all license and per capita taxes collected by and turned over to him during the preceding month.

Section 13. The Commissioners shall not pay over five per cent to the road tax collectors for the collection of the per capita road tax. The

Probate Judge shall receive a commission of two per cent not to exceed \$200.00 for any road tax year, for keeping the records of the per capita road tax, and a commission of five per cent for the collection of the license taxes herein provided for.

Section 14. The owners or operators of any vehicle of any kind for the operation of which a license tax is required in Section 10 of this Act who shall fail or refuse to pay such license on or before the date hereinabove provided for shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than double the annual license therefor unless double such license exceeds \$500.00 and in that case the fine shall be \$500.00. It shall be the duty of all officers of the county, including the road tax collectors, to report all violations of this license tax law.

Section 15. That each person subject to road duty who shall fail to pay the per capita tax as herein provided for, or who shall fail or refuse to work on the public roads after legal warning, shall be guilty of a misdemeanor and on conviction shall be fined not less than one nor more than three dollars for each day in default.

Section 16. That where the license tax herein provided for has been paid on any vehicle and same is thereafter sold, exchanged, swapped, or otherwise traded during the tax year, no additional license shall be required on said vehicle during the tax year.

Section 17. No person shall operate or run a truck, wagon, or other vehicle on or along any public road in Dale County having thereon a load weighing more than five thousand pounds, except that trucks may carry a load on said roads equal to their rated load capacity plus twenty per cent thereof. But no load shall exceed ten thousand pounds.

Section 18. No person shall operate on said roads any four-wheel trailer attached to an automobile or truck and having thereon a load weighing more than two thousand pounds; provided that trailers having pneumatic tires four inches in width or more may carry on said roads a load weighing not more than three thousand pounds.

Section 19. No person shall operate on said roads any such trailer having only two wheels and having on the trailer and truck or automobile combined a load of more than the load allowed for the truck in section 17 hereof plus one-third of said amount additional; provided that no such trailer shall have a tire of less than four inches in width.

Section 20. No person shall operate or drive a wagon on any public road in Dale County which shall carry thereon a load of more than one thousand five hundred pounds for each inch of tire width with which such wagons are equipped, and that rate for a fraction of an inch; provided that wagons having eight wheels may carry fifty per cent more load than above provided for four-wheel wagons.

Section 21. No person shall run or operate any truck or wagon or other vehicle except automobiles or other vehicles used for carrying mail and passengers only on or along any public road in Dale County on which a rain shall fall until after the expiration of twenty-four hours after such rain shall have ceased to fall, except as follows: wagons may carry fifty per cent of the load allowed in section 20 hereof; trucks may carry a load of not more than fifty per cent of their rated load capacity as defined and limited hereinabove; and four wheel trailers drawn by automobiles or trucks may carry a load on said roads of not more than fifty per cent of the load allowed to be carried by such trailers in Section 18 hereof; provided that two wheel trailers drawn by automobiles or trucks together with such automobile or truck, shall not carry more than one-half of the combined load allowed for such truck and trailer in section 19 hereof.

Section 22. No person shall place, or cause to be placed any earth, rubbish, timber, brush, or other substance in, along or on the edge or banks

of any ditch, sewer, gutter or other conveyance placed in or along any public road in Dale County for the purpose of draining said road, or carrying off surface or stream water, or otherwise to obstruct the flow of such water.

Section 23. No person shall load or unload, or permit to be loaded or unloaded with lumber or logs any truck, wagon or other vehicle while such truck, wagon or other vehicle is standing on the driveway of any public road in Dale County, but it shall be the duty of any such person to see that such truck, wagon or other vehicle is entirely removed from the driveway of any such road while being loaded or unloaded.

Section 24. No person shall place chains, commonly called "trace chains" or other chains of larger size than trace chains, upon the running surface of the wheel or tire of any truck or wagon or other vehicle while the same is being operated on any public road in Dale County.

Section 25. No person shall operate or run on any public road in Dale County any tractor or other vehicle having cleats or lugs on the running surface of any wheel thereof.

Section 26. No person shall lock any wheel of any wagon while the same is being drawn on or along any improved public road in Dale County.

Section 27. No person shall move or use over or on any improved road in Dale County any balance carts or two-wheel logging carts except when entirely empty.

Section 28. No person, firm or corporation shall knowingly do, cause or permit to be done by any servant or agent any act which is injurious to any public road in Dale County and inconsistent with the reasonable and ordinary use of said roads.

Section 29. Any person, firm or corporation violating any of the provisions of the foregoing laws and regulations shall be deemed guilty of a misdemeanor and upon conviction unless otherwise provided for herein shall be fined not more than five hundred dollars and also may be sentenced to hard labor for the county for not more than ninety days, either or both, and each violation shall constitute a separate offense.

Section 30. Be it further enacted that if any section, item or provision herein enumerated shall be declared invalid or unconstitutional, it shall in no wise effect the remaining provisions of this Act.

Section 31. All laws or parts of laws, local or general, inconsistent or in conflict with the provisions of this Act are hereby repealed.

L. F. Sessions, Chairman,
W. M. Faust, Commissioner,
J. W. Zeigler, Commissioner,
John T. York, Commissioner,
P. W. Roberts, Commissioner,

Board of County Commissioners, Dale County, Alabama.

The State of Alabama, }
Dale County. }

Before me, Alma Holmes, a Notary Public with seal of office in and for said county, personally appeared J. Q. Adams, Editor of The Southern Star, a newspaper published weekly at Ozark, Dale County, Alabama, who being first duly sworn deposes and says that the attached typed notice was published in said paper for four consecutive weeks, beginning with its issue of the 13th day of June, 1923, and including its issues of June 20th and June 27th, 1923, and July 4th, 1923.

J. Q. Adams.

Sworn to and subscribed before me this the 16th day of July, 1923.
(Seal)

Alma Holmes,
Notary Public.

By Mr. Sollie (with notice and proof) :

H. 414. To provide for and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale County, Alabama, or to the State of Alabama, for the use of Dale County.

Local Legislation.

Notice and proof H. 414:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given of the intention to apply for the passage by the Legislature of Alabama at its session to convene July 10th, 1923 of a local act for Dale County, Alabama, in substance as follows:

An Act to provide for and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale County, Alabama, or to the State of Alabama, for the use of Dale County.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this Act all fines and forfeitures accruing or becoming due to Dale County, or to the State of Alabama, for the use of Dale County, shall be payable in cash only.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, whether general, special or local, be and are hereby repealed.

L. F. Sessions, Chairman,
W. M. Faust, Commissioner,
J. W. Zeigler, Commissioner,
John T. York, Commissioner,
P. W. Roberts, Commissioner,

Board of County Commissioners, Dale County, Alabama.

The State of Alabama, }
Dale County. }

Before me, Alma Holmes, a Notary Public with seal of office in and for said county, personally appeared J. Q. Adams, Editor of The Southern Star, a newspaper published weekly at Ozark, Dale County, Alabama, who being first duly sworn deposes and says that the attached typed notice was published in said paper for four consecutive weeks, beginning with its issue of June 13, 1923, and including its issues of June 20th, June 27th and July 4th, 1923.

J. Q. Adams.

Sworn to and subscribed before me this 16th day of July, 1923.
(Seal)

Alma Holmes,
Notary Public.

By Mr. Sollie (By request) :

H. 415. To secure equal privileges and rights to residents of the State of Alabama irrespective and regardless of sex.

Judiciary.

By Mr. Sollie:

H. 416. Providing that no citizen of the State of Alabama shall be disqualified to hold and enjoy any office, or public trust, under the laws of the State, by reason of sex.

Judiciary.

By Mr. Sollie:

H. 417. To repeal Section 4499 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 418. To amend Sections two, eight, ten and eleven of an Act entitled "An act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such Commissions, and regulate the empanelling of grand and petit juries in all the courts of this State," said act being known as the jury law, and was approved August 31, 1909.

Revision of Laws.

By Mr. Sollie:

H. 419. Relating to prostitution, lewdness and assignation and declaring the same to be unlawful and providing penalties for the commission of said offenses and repealing all laws inconsistent therewith.

Judiciary.

By Mr. Sollie:

H. 420. To amend section 3799 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 421. To amend section 2466 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 422. To amend an act of the Legislature of Alabama entitled "An Act to amend an act of the Legislature of Alabama entitled an act to amend Section 3795 of the Code of Alabama of 1907," approved September 30, 1919.

Judiciary.

By Mr. Sollie:

H. 423. Relating to offenses against the personal relations of husband and wife.

Revision of Laws.

By Mr. Sollie:

H. 424. Concerning the mutual obligations of husband and wife, and father and mother with regard to support.

Judiciary.

By Mr. Sollie:

H. 425. To repeal Sections 3803, 3804, 3805 and 3806 of the Code of Alabama of 1907, relative to temporary and permanent allowances to the wife and to substitute therefor pro-

visions relative to alimony, distribution of property, support and maintenance of the children of a marriage or of either party thereto in divorce actions.

Judiciary.

By Mr. Sollie:

H. 426. To amend section 2483 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 427. To amend section 2484 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 428. To amend section 4489 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 429. To amend section 4493 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 430. To amend section 2485 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 431. To amend section 3810 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 432. To amend section 2475 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 433. To amend section 2512 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 434. To amend section 6857 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 435. Relating to the domicile of a married woman.

Judiciary.

By Mr. Sollie:

H. 436. To repeal Section 3388 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 437. To amend Section 4494 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 438. To amend Section 6159 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 439. To amend Section 4487 of the Code of Alabama of 1907 relating to the earnings of the wife; and to include therein provisions concerning her labor and services.

Judiciary.

By Mr. Sollie:

H. 440. Making the husband's presence no defense for a wife's crime.

Judiciary.

By Mr. Sollie:

H. 441. To amend Section 2523 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 442. To amend Section 4503 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 443. To amend Section 4340 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 444. To amend Section 3808 of the Code of Alabama of 1907.

Judiciary.

By Mr. Sollie:

H. 445. To amend Section 2479 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Sollie:

H. 446. To amend Section 4339 of the Code of Alabama of 1907, relating to guardian and ward.

Judiciary.

By Mr. Sollie:

H. 447. Making the father and mother joint natural guardians of their minor children and providing that the parents are equally charged with the care, control and welfare of such children and the management of their estates.

Judiciary.

By Mr. Sollie:

H. 448. To amend Sections 3763 and 3764, and to repeal Section 3765 of the Code of Alabama of 1907, said sections relating to distribution of the estate of a decedent.

Judiciary.

By Mr. Sollie:

H. 449. To amend Section 3754 of the Code of Alabama of 1907 by striking out the word "widow's" where the same occurs, and inserting in lieu thereof the words "surviving consort's."

Judiciary.

By Mr. Sollie:

H. 450. To further equalize the interest of a surviving husband or wife in the real estate of the deceased consort, by revising, extending, amending and adding to the dower law of the State.

Judiciary.

By Mr. Sollie:

H. 451. To repeal Sections 3814 and 3815 relative to the effect of the separate estate of a widow or her dower interest and distributive share.

Judiciary.

H. 452. Providing that in public employment there shall be no discrimination in the payment of compensation to men and women employees for like service.

Revision of Laws.

By Mr. Sollie:

H. 453. To repeal Section 5163 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Ashcraft of Fayette:

H. 454. To amend Section 11 of an act entitled An Act "To provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows and for soldiers and sailors in the army or navy of the Confederate States of America and for their widows and for the regulation of the payment thereof and to constitute and appoint a Pension Commission for the State of Alabama and prescribe its powers and duties, approved September 23, 1919.

Ways, Means and Appropriations.

By Mr. Williams:

H. 455. To amend Section 374 of the Code of 1907.

Judiciary.

By Mr. Williams:

H. 456. To regulate Primary Elections in the State of Alabama.

Judiciary.

By Mr. Dunwoody (with notice and proof) :

H. 457. To require the County Board of Education of Henry County, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said county; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act.

Local Legislation.

Notice and proof H. 457:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its coming session in July, to pass a bill which shall be substantially as follows:

A bill to be entitled an Act to require the County Board of Education of Henry County, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said County; to provide the time when such publication is to be made, and to provide penalties for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the County Board of Education of Henry County, Alabama, to make annual publication during the month of October of each year, in some newspaper published in said County a statement or report showing receipts and disbursements of all moneys coming into their hands as public school funds, specifying from what source derived, and for what purpose expended, and showing the exact amount expended for school purposes, either for the payment of teachers, the erection or repair of school buildings or otherwise in each school district of said Henry County.

Section 2. That if the said County Board of Education shall fail or refuse to make the said publications as provided for in Section 1 of this Act, each member thereof shall be subject to a penalty of One Hundred Dollars, and each member of said County Board of Education, if present, and voting against said publication, when a motion is offered or an effort made by any member of said Board to carry out the provisions of this Act, each member present and so voting against such publications shall be subject to a penalty of One Hundred Dollars, to be collected in either case, by suit, and it is hereby made the duty of the Circuit or Deputy Solicitor to bring said suit in the name of the County as plaintiff.

Section 3. That the compensation to be paid for said publication shall not exceed the rate now fixed by law, and shall be ordered paid by the County Board of Education out of the school funds of the County.

Section 4. That if any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

The State of Alabama, }
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. H. Golson, who being first duly sworn, deposes and says as follows:

"I, H. H. Golson, editor and proprietor of the Abbeville Herald, a newspaper published weekly in the town of Abbeville, Henry County, Alabama, hereby certify that the attached bill was published in said paper for four consecutive weeks, commencing on, to-wit, the 14th day of June, 1923, and ending on the 5th day of July, 1923.

H. H. Golson."

Sworn to and subscribed before me this July 12th, 1923.

H. W. Owens,
Probate Judge.

By Mr. Howze:

H. 458. To make an appropriation of \$200,000.00 for the purchase of land and erection of a sanatorium to be known as the Alabama Tuberculosis Sanatorium, and to be expended for the prevention and cure of tuberculosis, by the Board of Trustees of the Alabama Tuberculosis Sanatorium.

Ways, Means and Appropriations.

By Mr. Howze:

H. 459. To make appropriations for the upkeep and maintenance of a sanatorium for tuberculosis.

Ways, Means and Appropriations.

By Mr. Howze (By request):

H. 460. To define Hotels and Inns in this State; to regulate their operations; to protect such Hotels and Inns and their guests and to fix their respective liabilities.

Public Health.

By Mr. Howze (By request):

H. 461. To make an appropriation for the purpose of acquiring the necessary buildings and equipment for the education and occupation of the Adult Blind in useful trades, and for the purpose of providing for the control and maintenance of the same.

Education.

By Mr. Howze (with notice and proof):

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the City of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Local Legislation.

Notice and proof H. 462:

NOTICE.

Notice is hereby given that the following bill will be presented to the Legislature of Alabama when it reconvenes in July 1923, for passage by that body:

An Act to provide for and regulate the assessment, levy and collection of municipal taxes of the City of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. The tax year for the City of Bessemer, Alabama, shall commence on the first day of October of each year and end on the 30th day of the next succeeding September and on and after the 1st day of October 1924 municipal taxes shall be due the said City of Bessemer for the tax year in advance on the 1st day of October of each tax year, and shall be delinquent at the time when the State and County taxes for the next preceding tax year are delinquent.

Section 2. The municipal taxes due and payable to the said City of Bessemer during the tax year 1923 shall be collected under and in accordance with the laws existing at the time this act goes into effect, but from on and after the 1st day of October 1924 no municipal taxes of the City of Bessemer shall be due or collectable except under the provisions of this act.

Section 3. It shall be the duty of the Council of said City of Bessemer during the month of May 1924 and hereafter during the month of May of each year by resolution or ordinance, to levy a tax on the property situated in the said City of Bessemer for the next succeeding municipal tax year at a rate in no event in excess of the constitutional limit authorized to be levied by said City of Bessemer on the value of such property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending on the 30th day of September next succeeding the levy. The levy so made by the Council of the said City of Bessemer shall go into force and take effect as of the 1st day of October next succeeding the levy and shall not be a lien on the subjects of taxation prior to the 1st day of October next succeeding the levy. After such levy is made it shall be the duty of the Mayor and the Clerk or other clerical officer of the City Council of the said City of Bessemer on or before the 1st day of June next succeeding the levy, to certify and deliver to the tax assessor of Jefferson County, a copy of the resolution or ordinance passed by the said City Council in and by which taxes are levied by the said City of Bessemer for the next succeeding tax year commencing on the first day of the next succeeding October.

Section 4. The tax collector of Jefferson County shall on and after the 1st day of October 1924 ex-officio be the tax collector of the said City of Bessemer and he shall collect all property taxes for the said City of Bessemer at the same time, in the same manner and way under the same laws that State and County taxes are collected.

Section 5. From and after the 1st day of October 1924, the said City of Bessemer, shall subject to the lien of the State and County have a lien from on and after the 1st day of October of each municipal tax year, upon each and every piece of parcel property, real or personal, for the payment of the municipal taxes for that tax year which may be assessed against the owners, or upon such property for the use of the said City of Bessemer, which lien shall have priority over all other liens except for State and County taxes, and this lien shall exist as to all land bid in by the State at tax sales, for the annual tax thereafter assessed on the value of the property so purchased, in the event of the tax title failing.

Section 6. It shall be the duty of the tax assessor of Jefferson County, Alabama, on and after the 1st day of October, 1923, to show on the assessment list made or taken by him under the provisions of Section 2120 of the Code of Alabama 1907, what property, if any, described in the lists, is situated within the said City of Bessemer and the assessor shall ascertain the value of each item, or subject of taxation, situated in the said City of Bessemer, separately from the value of each item not within said City in such a way as to make of easy ascertainment the assessed value of property within the said City of Bessemer, Alabama.

Section 7. It shall be the duty of the State Auditor in preparing the form of assessment required under the provisions of Section 2349 of the Code of Alabama 1907, to make the provisions for the assessor to indicate in the assessment list what property assessed, if any, is situated within the said City of Bessemer, and in the abstract of duties placed on such form, the auditor may place instructions to the assessor such as will advise him of his duty in making assessments of property subject to municipal taxation.

Section 8. After the 1st day of October 1923 the book required to be made by the County tax assessor under the provisions of Section 2122 of the Code of Alabama 1907, shall also show the property subject to municipal taxation by the said City of Bessemer, and shall be so ruled that the amount of the said City of Bessemer taxes charged to each tax-payer or against property, in favor of said City of Bessemer for the next succeeding municipal tax year on the assessed value of the then current State tax year, can be entered and extended and footed up, and the footings carried from page to page, and the total amounts thereof, and footed up so as to show the amount of taxes in favor of the said City of Bessemer.

Section 9. After the municipal taxes shall have been levied by the Council of the said City of Bessemer and certified to the tax assessor of Jefferson County for the next succeeding tax year beginning on the 1st day of the next succeeding October, the assessor must compute the amount thereof, at the rate levied by the City Council of the said City of Bessemer as shown by the certified copy furnished the assessor. of the resolution or ordinance passed by the said City Council of the said City of Bessemer, which will be owing by each tax payer to the said City of Bessemer on the assessed value of the property for the then current State tax year, and enter the same in the books of assessment required to be made by the assessor under the provisions of Section 2122 of the Code of Alabama 1907, opposite the name of such tax payer, and foot up the same, the footings to be carried from page to page, and the total amount thereof footed up, such books shall appropriately show that the assessed value as extended by the assessor is for the municipal taxes for the next succeeding municipal tax year, based on the assessed value for State taxation for the then current tax year.

Section 10. The presiding officer of the Court of County Commissioners or other Court of like jurisdiction, in making the certificate required to be made by the provisions of Section 2156 of the Code of Alabama of 1907. shall embrace in such certificate the amount of municipal taxes which will be owing to the said City of Bessemer for the next succeeding municipal tax year, which certificate, after certifying the amount of State. County and special tax, shall continue in substance as follows: "The amount of municipal taxes for the City of Bessemer for the next succeeding municipal tax year is \$....., the total amount and such certificate shall be a warrant to the tax collector of Jefferson County to proceed to collect such municipal taxes in the manner directed by law when due."

Section 11. Upon collection of taxes by the tax collector, he shall embrace in his receipt required to be given under the provisions of Section 2174 of the Code of Alabama of 1907, a statement of the amount of City

taxes, if any, paid on real estate, and City taxes, if any, paid on personal property, and if any interest has accrued stating the amount thereof paid, such receipt shall also show the tax year for which the City tax is paid and City for which the tax is paid, and such receipt shall be prima facie evidence that such tax payer has paid his City taxes for the year stated on the real and personal property and other subjects of taxation.

Section 12. The tax collector, in making his monthly reports as required to be made under the provisions of Section 2200 of the Code of Alabama of 1907, shall embrace in each of such reports a statement setting forth the taxes collected by him for the said City of Bessemer during the preceding month, and up to the date of such report, subsequent to his preceding report, and a copy of each report shall be by the collector forwarded to the Mayor of the said City of Bessemer; within five days after making such report the collector must pay to the treasurer of said City of Bessemer or the person designated by the Council of the said City monthly at the same time he is required to make payment of taxes collected for the State and County, all City taxes then due from him to the said City of Bessemer by him before that time collected. The Treasurer of the said City of Bessemer, or person designated for receiving the money for the City shall give the County tax collector a receipt in duplicate for the amount received, one of which duplicates shall be promptly forwarded to the state auditor by the tax collector.

Section 13. The County tax collector must, on or before the 1st day of July of each year, make a final settlement under oath with the Treasurer or other person designated by the Council of the said City of Bessemer, and then pay over to the Treasurer of the said City of Bessemer, or other person designated, the balance of the City taxes due from him as such tax collector and not paid over prior to the date according to the tax books in the office of the judge of probate of Jefferson County, Alabama.

Section 14. The County tax collector shall not be required to make or keep a separate account of any special taxes collected for said City but shall keep such account only in gross of the total tax levied by the City. If any part of the tax collected by the said City is set apart by the laws of any special purpose, the Treasurer or person acting as such of said City, shall as the law may direct keep a separate account and distinct fund as required by law arrived at and set apart by the treasurer from the amount paid into the treasury by the tax collector in proportion as such special tax levied bears to the total taxes levied by the City, and the special taxes received by the city treasurer shall be disbursed by him as required by law.

Section 15. The County tax collector must, in his report of list of insolvents, and list of errors of assessments to Court of County Commissioners or other court of like jurisdiction required to be made under the provisions of Section 2184 of the Code of Alabama of 1907, embrace in said report the amount of city taxes assessed against each tax payer, in favor of the said City of Bessemer, the same as he is required to report the amount of State and County taxes assessed against each tax payer.

Section 16. The court of county commissioners, or other court of like jurisdiction shall, in discharging the duties imposed upon the court by the provisions of Section 2185 of the Code of Alabama of 1907, credit the tax collector with city taxes contained in such list and with taxes in litigation in the same manner and way and under the same conditions that credits are required to be given in favor of the collector of county taxes shown in the list.

Section 17. Upon the allowance and credit to the county tax collector of insolvent taxes and taxes in litigation, the court of county commissioners or other court of like jurisdiction, shall in behalf of said City of Bessemer, state a new account against the tax collector for the amount of insolvent

city taxes and city taxes in litigation in the same manner and way as is provided in regard to insolvent county taxes and county taxes in litigation by Section 2187 of the Code of Alabama 1907, and the collector shall remain charged with such sum until the liability is discharged under the provision of the law.

Section 18. The presiding officer of the court of county commissioners, or other court of like jurisdiction shall embrace in the list of insolvent taxes allowed, which he is required to furnish to the collector under the provisions of Section 2188 of the Code of Alabama of 1907, and as a part of such list, the name of each insolvent tax payer of such city taxes, and the amount of such city taxes, and cost, if any, due from the insolvent to the said City of Bessemer.

Section 19. It shall be the duty of the county tax collector to collect insolvent city taxes and make monthly reports, payment and settlement thereof with the city treasurer of each city in the same manner and way and at the same time that he is required to do in regard to State and County taxes under the provisions of Section 2189 of the Code of Alabama of 1907.

Section 20. At the same time the county tax collector makes final report of the uncollected balance of insolvent taxes, as required by the provisions of Section 2190 of the Code of Alabama of 1907, to the court of county commissioners or court of like jurisdiction, he shall embrace in and as a part of said report the uncollected balance of insolvent city taxes and taxes in litigation the same and in the same manner and way as he is required to make of State and County taxes, including the taxes still in litigation in the same manner and way as the court is authorized to allow credits for insolvent county taxes and taxes in litigation under the provisions of Section 2190 of the Code of Alabama of 1907.

Section 21. The county tax collector shall embrace in the docket of lands made by him under the requirements and provisions of Section 2269 of the Code of Alabama of 1907, the amounts due said City of Bessemer both from known and unknown owners in the county, if any, in the same manner and way as he is required to do in regard to State and County taxes giving the name of the city to whom due, and stating the municipal tax year for which the taxes are due, and in such manner and way as to show respectively the amounts of taxes due the State, the amounts due the County and the amount due the said City of Bessemer chargeable against the respective properties.

Section 22. The decree for tax sales rendered by the Probate Judge under the provisions of Section 2278 of the Code of Alabama of 1907, shall embrace taxes due to the said City of Bessemer showing the aggregate amount due to the State, County and City, and showing what amount is for the State, what amount is for the County and what amount is for the City and the tax year of the City for which the same is due it, in the form as set forth in said Section 2278 of the Code of Alabama of 1907.

Section 23. The county tax collector shall embrace in his certificate to a purchaser under provisions of Section 2285 of the Code of Alabama of 1907, the amount of taxes due on the property described in the certificate to the said City of Bessemer in the same manner and way as he is required to set forth in said certificate the amount due the State and County.

Section 24. In case of an appeal by the State from decree of tax sale under the provisions of Section 2291 of the Code of Alabama of 1907, the appeal by the State shall be in behalf of the said City of Bessemer and all proceedings shall, under and in accordance with the provisions of Section 2291, be in behalf of the said City of Bessemer, the same as it is in behalf of the county.

Section 25. The Judge of Probate in the county, in executing a tax deed to a purchaser, under the provisions of Section 2296 of the Code of

Alabama of 1907, shall by the deed convey to and vest in the grantee the lien and claim of the said City of Bessemer, as well as in the lien and claim of the State and County.

Section 26. From and after the 1st day of October 1912, the county tax assessor shall calculate and enter city taxes owing to the said City of Bessemer on the descriptive lists coming to him under and in accordance with the provisions of Section 2299 of the Code of Alabama of 1907, in the same manner and way that he is required to do as to State and County taxes, and all provisions, proceedings and requirements as to State and County taxes under said Section shall be applicable to such city taxes.

Section 27. An invalid tax sale shall pass to the purchaser the lien of the city in and to the land sold, both as to taxes paid, by said sale and as to the taxes subsequently paid by the purchaser to the same extent and in the same way that the lien of the State and County is passed to the purchaser under and in accordance with the provisions of Section 2300 of the Code of Alabama of 1907.

Section 28. The Judge of Probate at the time he is required to remit to the State treasurer and to the County treasurer redemption money under the provisions of Section 2320 of the Code of Alabama of 1907, should also pay to the city treasurer, or person designated by the municipal council or governing body of the city as treasurer, the proportion of redemption money, if any, belonging to the city, and all of the provisions of Section 2320 shall be applicable to said city and city taxes in the same manner and way as to the State and County taxes.

Section 29. That the State auditor shall enter in the books caused to be prepared by him under the provisions and requirements of Section 2320 of the Code of Alabama of 1907, the amount of city taxes due on the property described in the books in the same manner and way as he is required to enter the amount of State and County taxes due thereon, and in making sale of said property under provisions of Section 2323 of the Code of Alabama of 1907, the amount at which the property is sold shall not be less than the whole amount of taxes, including such city taxes, interest, costs and officers' fees as provided for and required to be paid in the case of the redemption of such land.

Section 30. When lands bid in by the State have been sold by the State, the State auditor shall draw his warrant on the State treasurer in favor of the said City of Bessemer for the amount, if any, that the said city is entitled to, and forward the same to the said City of Bessemer.

Section 31. When land, which has been bid in by the State at tax sale has been sold by the State and the State refunds the taxes on account of an invalid sale under and in accordance with the provisions of Section 2329 of the Code of Alabama of 1907, the State auditor must ascertain the amount of such purchase money which has been paid to the said city, if any, which amount it shall be his duty to certify to the Mayor or other governing head of the said city and it shall be the duty of the Mayor or other governing head of the municipality to present such claims at the next succeeding meeting of the council or governing body of the said city and thereupon such council or body shall order a warrant in favor of the State for such amount as the State is entitled to from the city and the city treasurer or acting treasurer shall forthwith forward the amount to the State treasurer and report it to the State auditor.

Section 32. Whenever the Judge of Probate cancels a tax sale as to a private purchaser under and in accordance with the provisions of Section 2331 of the Code of Alabama of 1907, he must give to such purchaser a certificate to the Mayor or other governing head of the city, showing the amount of city taxes received by the city from such tax sale in the same manner and way as he is required by said Section 2331 of the Code of Ala-

bama of 1907, to give certificates showing the amount the State and County have received, and thereupon when said certificate is presented to the Mayor or other governing head of the city, it shall be the duty of the Mayor or other governing head to present such certificate at the next meeting of the council or governing body of the city, and the amount so paid to the municipality must be allowed by such council or governing body, and an order made directing the treasurer or acting treasurer to pay the same.

Section 33. Any person, or his agent, or the heir or personal representative of such person, who owns property subject to taxation in said city and who, through a mistake or error, in the assessment or collection of taxes, has paid to the city through the county tax collector money that was not due from him for taxes, may file a petition with the council or governing body of said city, asking that a warrant be drawn in his favor refunding to him the money paid and received by the municipality. The council or governing body of said city shall examine into the facts and evidence offered by the petitioner in support of the allegations of his petition and if proper and full proof of the same be made, the council or governing body of said city must allow said claim to the amount of city taxes received, and must order the treasurer or acting treasurer of the city to pay the same.

Section 34. All laws now in force or hereafter enacted in regard to the collection of State and County taxes and procedure, with reference thereto and the enforcement of collection shall apply to and be in force as to such city taxes, except as such laws are changed by or in conflict with the provisions of this act and the county tax collector shall collect or enforce the collection of such city taxes at the same time, in the same manner and way, and as a part of one and the same collection as the collection of State and County taxes and all procedure incident to or in any wise connected with the collection of State and County taxes, shall be equally applicable to the collection of said city taxes and all said city taxes shall be collected in the same way and in the same proceedings as State and County taxes.

Section 35. The official bond of the judge of probate and of the county tax assessors and of the county tax collectors shall be and shall be held to be, for the protection of the said City of Bessemer, for the faithful discharge of the duties of such officers to the said City of Bessemer in the same manner and way as it is for the protection of the State of Alabama and Jefferson County.

Section 36. The tax assessor of Jefferson County shall be entitled to receive from the tax collector out of the first money collected for the said City of Bessemer, giving him duplicate receipt therefor, one of which receipts shall be forwarded to the State auditor by the tax collector the following commissions on the taxes collected, to-wit: Four-tenths of one per cent on all taxes collected for the said City of Bessemer for the city tax year ending September 30, 1924 and September 30, 1925 and thereafter three-tenths of one per cent.

Section 37. The tax collector of said city shall be entitled to receive commissions on taxes collected by him for the City of Bessemer as follows, to-wit: For the city tax year ending September 30, 1924 three-tenths of one per cent and thereafter two-tenths of one per cent of the taxes collected for the said City of Bessemer.

Section 38. The Judge of Probate of Jefferson County shall be entitled to commission at the rate of two and one-half per cent on money received by him for the said City of Bessemer on redemption from tax sales which he may deduct therefrom when he pays money collected to the said City of Bessemer the said Judge of Probate of Jefferson County shall be entitled to a fair and reasonable compensation and in no event to exceed One Hundred Dollars (\$100.00) in any one year from the said City of Besse-

mer, for the additional services required of him in furnishing and preparing abstract books conforming to the requirements of this act required to be made and furnished under Section 2158 of the Code of Alabama of 1907. The court of county commissioners or court of other like jurisdiction shall allow the judge of probate of the county the amount he is entitled to receive under this Section for such additional services in regard to such abstract book and of the amount allowed shall fix the amount to be paid by the City of Bessemer and the certificate of the court of county commissioners or other court of like jurisdiction by the chairman or other court to the county tax collector shall be a warrant on the tax collector, and on such warrant, the tax collector shall pay to the Judge of Probate from the funds collected by him from the said City of Bessemer the amount to which the Judge of Probate is entitled from said City of Bessemer as shown by such warrant.

R. P. McTyeire.

State of Alabama, }
Jefferson County. }

Personally appeared before me the undersigned authority in and for said County in said State, How Price who being by me first duly sworn, says on oath that he is the publisher of the Bessemer Advertiser, a newspaper of general circulation published in the City of Bessemer, Jefferson County, Alabama and that the attached notice and act or bill was published in the said Bessemer Advertiser once a week for five consecutive weeks, having appeared in the issues of June 14th, 1923, June 21st, 1923, June 28th, 1923, July 5th, 1923, and July 12th, 1923.

Howe Price.

Sworn to and subscribed before me this the 12th day of July, 1923.
(Seal)

G. H. Bumgardner,
Notary Public.

By Mr. Lewis Bowen (with notice and proof) :

H. 463. To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson County.

Local Legislation.

Notice and proof H. 463:

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given that application will be made to the Legislature of Alabama, to be convened in January, 1923, for the passage of a local law for Jefferson County, Alabama, in substance as follows:

A bill to be entitled an act to amend an act "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson County."

Be it enacted by the Legislature of Alabama that an act entitled an Act, "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camp of Jefferson County," approved February 16, 1891, be and the same is hereby amended so as to read as follows:

Section 1. That from and after the passage of this act, it shall be the duty of the Board of Revenue of Jefferson County to purchase all the books and stationery required by the Probate Judge, Sheriff, Register in Chancery, Clerks of the Circuit Courts, and other courts that may be created, County Treasurer, Tax Collector, Tax Assessor, Tax Commissioners, the Coroner, Auditor, Superintendent of Education, and Solicitor, for their

respective offices and all supplies of any kind or description for the court-house, jail, almshouse, hospital, convict camp and all other county officers.

Section 2. Be it further enacted, That such supplies shall be furnished upon the written requisition setting forth the articles needed, of the officer for whose office articles are needed, and thereupon said Board of Revenue shall make inquiry and ascertain if the articles are necessary before ordering the same.

Section 3. That said board shall provide for the board and lodging of all juries of any court of record of said county while engaged in the trial of any case.

Section 4. That all school supplies and school stationery shall be paid for by the Board of Education and not otherwise, out of the school fund provided for in an act approved February 7, 1891, entitled, "An Act to provide for the better support and maintenance of the public schools of Jefferson County, Alabama."

Section 5. That all laws and parts of laws in conflict herewith are hereby repealed.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who being duly sworn, deposes and says that he is Editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: January 13-20-27, February 3, 1923.

Sworn to and subscribed before me, this 3rd day of February, 1923.
(Seal) J. H. F. Mosley.
Mary Mosley,
Notary Public.

By Mr. L. K. Bowen:

H. 464. To render cities in this State of one hundred and fifty thousand (150,000) inhabitants or more according to the last or any subsequent Federal census liable for court costs.

Revision of Laws.

By Mr. Lewis Bowen:

H. 465. To amend Section 41½ of a bill "To provide for the general revenue of the State of Alabama," approved September 15, 1919, so as to read as follows:

Ways, Means and Appropriations.

By Mr. R. E. Smith of Jefferson:

H. 466. To regulate appeals by and in behalf of counties in this State, having according to the last or any subsequent Federal census two hundred thousand inhabitants or more.

Judiciary.

By Mr. Fite:

H. 467. To regulate the settlement, adjustment or compromise of legal claims and demands growing out of personal injuries, whether causing death or not, and to provide penalties for the violation thereof.

Judiciary.

By Mr. Fite (with notice and proof) :

H. 468. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Judiciary.

Notice and proof H. 468:

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given that the following bill will be introduced during the present session of the Legislature for enactment:

An Act to amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties:

Be it enacted by the Legislature of Alabama:

That Section ten (10) of the said Act to establish an Inferior Criminal Court for Jefferson County, Alabama: to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and other officers of said court, the manner of their appointment and election, and the payment of their salaries, approved September 10th 1919, read as follows:

Section 10. That there shall be appointed by the judge of said court a Chief Clerk, a First Assistant Clerk and two Deputy Clerks, who shall hold office at the will of the judge of said court. The Chief Clerk shall receive as compensation for his services the sum of twenty-four hundred (\$2400.00) dollars per annum, payable in equal monthly installments of two hundred dollars per month, out of the County Treasury of Jefferson County upon warrants drawn by the judge of said court upon the County Treasurer of said county, showing that said chief clerk has performed the duties for the month. Each of said deputy clerks (except the first assistant clerk) shall receive a salary of fifteen hundred (\$1500.00) dollars per annum, payable in equal monthly installments of one hundred and twenty-five (\$125.00) dollars, out of the County Treasury of Jefferson County, upon warrants drawn on the County Treasurer of said county by the judge of said court, showing that the said deputy clerks have performed the duties for the month. The first assistant and the deputy clerks shall act under the authority of the Chief Clerk. for and in the name of the Chief Clerk.

State of Alabama, }
 County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who, being duly sworn, deposes and says that he is Editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice, attached hereto was published in the Labor Advocate on the following dates: June 16-23-30; July 7, 1923.

J. H. F. Mosley.

Sworn to and subscribed before me, this 18th day of July, 1923.
 (Seal)

Mary Mosley,
 Notary Public.

By Mr. Howze:

H. 469. To amend Sections 3575, 3581, 3583, and 3584 of the Code of 1907.

Corporations.

By Mr. Smith of Lee:

H. 470. To provide for the control and regulation of livery stables, sales stables, feed stables, stock yards, and stock pens in incorporated cities or towns.

Agriculture.

By Mr. Smith of Lee:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Municipal Organizations.

By Mr. Tunstall:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

Ways, Means and Appropriations.

By Mr. Forman (with notice and proof):

H. 473. To provide for the election of the county superintendent of education of Morgan County, Alabama, by a direct vote of all the qualified electors of said county.

Local Legislation.

Notice and proof H. 473:

NOTICE.

Take notice that there will be introduced at the next session of the Legislature of Alabama a bill substantially as follows:

A bill to be entitled an Act to provide for the election of the County Superintendent of Education of Morgan County, Alabama, by a direct vote of all the qualified electors of said County.

Be it enacted by the Legislature of Alabama:

Section 1. That at the general election next after the approval of this act there shall be elected a County Superintendent of Education for Morgan County, Alabama, by a direct vote of all the qualified electors of said County, who shall hold office for four years from and after December 31, 1924, and until his successor is elected and qualified.

Section 2. That the County Superintendent of Education shall in like manner be elected every four years thereafter, whose term of office shall be four years.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

James A. Forman.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates, June 7th, June 14th, June 21st, and June 28th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this July 14th, 1923.

(Seal)

Italyne Hardwick,
Notary Public.

By Mr. Forman (with notice and proof):

H. 474. To regulate the nomination of candidates for the office of County Board of Education of Morgan County, Alabama.

Local Legislation.

Notice and proof H. 474:

NOTICE.

Take notice that there will be introduced a bill at the next session of the Legislature of Alabama substantially as follows:

A bill to be entitled an Act to regulate the nomination of candidates for the office of County Board of Education of Morgan County, Alabama. Be it enacted by the Legislature of Alabama:

Section 1. That at all primary elections held in Morgan County for the nomination of candidates for the office of County Board of Education of Morgan County, Alabama, there shall be nominated one member of the Board from each of the four commissioners or Board of Revenue districts in said County and the fifth member shall be nominated from the whole county.

Section 2. That the office of the members of said County Board of Education shall be numbered 1, 2, 3, 4, and 5; that No. 1 shall be nominated from the first Commissioners or Board of Revenue District; that No. 2 shall be nominated from the second Commissioners or Board of Revenue District; that No. 3 shall be nominated from the third Commissioners or Board of Revenue District and No. 4 from the fourth Commissioners or Board of Revenue District and No. 5 from the whole County.

Section 3. That only the voters who reside in the respective districts in which such candidates reside and for which they shall be elected to serve shall be allowed to vote for the nomination of such candidates proved that

all members of the said Board of Education shall be elected at the general election from the whole county.

Section 4. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

James A. Forman.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates, June 7th, June 14th, June 21st, and June 28th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this July 14th, 1923.
(Seal)

Italyne Hardwick,
Notary Public.

By Mr. Goodwyn (with notice and proof) :

H. 475. To arrange the boundary between Elmore and Montgomery Counties.

County and County Boundaries.

Notice and proof H. 475:

State of Alabama, }
Montgomery County. }

Before me, T. A. Hardy, a Notary Public, in and for said County in said State, personally appeared R. F. Hudson, known to me to be the Treasurer of The Montgomery Advertiser, a newspaper published at Montgomery, in Montgomery County, Alabama, who being by me duly sworn deposes and says on oath, that the attached notice was published once a week for four consecutive weeks in said newspaper before the making of this affidavit; that the said notice is attached as follows (inserted June 17, 25, July 2, 9, 1923) :

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its session beginning in July, 1923, for the passage of a law the substance of which proposed law is to rearrange the boundary between Elmore and Montgomery counties, by detaching from Elmore county and adding to Montgomery county the following described land now in Elmore county, viz:

All the peninsular opposite the City of Montgomery, Alabama, in the bend of the Alabama river which lies South and Southeast of the North boundary of Section 28, Township 17, Range 17, said peninsular embracing fractional sections 1, 2, 3, 11 and 12 in Township 16 and fractional sections 27, 28, 33, 34 and 35 of Township 17, all in Range 17, Elmore county, Alabama.

R. T. Goodwyn.

That affiant is the Treasurer of said Montgomery Advertiser and knows the fact of publication as herein sworn to, to be true.

R. F. Hudson.

Sworn to and subscribed before me this 17th day of July, 1923.
(Seal)

T. A. Hardy,
Notary Public.

State of Alabama, }
Elmore County. }

Before me, G. H. Howard, Judge of Probate in and for said County in said State, personally appeared Frances Golson, known to me to be the publisher of the Wetumpka Weekly Herald, a newspaper published at Wetumpka, in Elmore County, Alabama who being by me duly sworn deposes and says on oath that the attached notice was published once a week for four consecutive weeks in said newspaper before the making of this affidavit; that the said notice is attached as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its session beginning in July, 1923, for the passage of a law the substance of which proposed law is to rearrange the boundary between Elmore and Montgomery counties, by detaching from Elmore county and adding to Montgomery county the following described land now in Elmore county, viz:

All the peninsular opposite the City of Montgomery, Alabama, in the bend of the Alabama river which lies South and Southeast of the North boundary of Section 28, Township 17, Range 17, said peninsular embracing fractional sections 1, 2, 3, 11 and 12 in Township 16 and fractional sections 27, 28, 33, 34 and 35 of Township 17, all in Range 17, Elmore county, Alabama.

That affiant is the publisher of said Wetumpka Weekly Herald and knows the fact of publication as herein sworn to, to be true.

R. T. Goodwyn.

Frances Golson.

Sworn to and subscribed before me this 18th day of July, 1923.

G. H. Howard,
Judge of Probate.

By Mr. Luck (with notice and proof) :

H. 476. To provide for the taxing and collecting of certain costs in criminal cases in the county court of Shelby County.

Local Legislation.

Notice and proof H. 476:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the adjourned session thereof, which meets at the capitol at Montgomery in July 1923, to fix the fees and compensation of the Clerk of the Circuit Court while acting as Ex-Officio Clerk of the County Court, Shelby county, Alabama, as follows:

For issuing warrants of arrest.....	\$ 1.00
For issuing each subpoena or notice.....	.35
For each order of continuance.....	.50
For trial, entering judgment, and, when an appeal is taken, approving bond and certifying proceedings.....	5.00
For judgment on forfeited undertaking of bail.....	3.00
For judgment against defaulting witness.....	2.00

Said bill will provide for the taxing of said cost and the collection of same.

State of Alabama, }
Shelby County. }

Personally appeared before me, L. B. Riddle, Judge of Probate in and for said county, Luther Fowler, who being duly sworn according to law

deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: April 26, 1923, May 3, 1923, May 10, 1923, and May 17, 1923.

Luther Fowler.

Subscribed and sworn to before me this 12th day of July, 1923.
(Seal)

L. B. Riddle,
Judge of Probate.

By Mr. Embry:

H. 477. To prevent any person or persons from running or chasing a fox or foxes with a dog or dogs between the first day of March and the fifteenth day of September of any year; to make it a misdemeanor for any one violating this act, and to prescribe the penalty for such violation.

Judiciary.

By Mr. Pickens:

H. 478. To pay the town of Livingston for a school building and lot conveyed by said town of Livingston to the State of Alabama for the State Normal School located at Livingston and which has not been paid for.

Ways, Means and Appropriations.

By Mr. Graves (with notice and proof):

H. 479. To divide Tallapoosa County, Alabama, into five Commissioners' Districts and provide for the election of the Commissioners from each of said districts.

Local Legislation.

Notice and proof H. 479:

NOTICE.

Notice is hereby given as provided by Section 106 of the Constitution of 1901, of the intention to apply to the Legislature of Alabama at the adjourned session of such Legislature to be held beginning on the 10th day of July, 1923, for the passage of an Act, the substance of which will be to divide Tallapoosa County, Alabama, into commissioners' districts and to provide for the nomination of a commissioner from each of said districts by the qualified electors of their district only, and such bill shall be substantially as follows:

A bill to be entitled an Act to divide Tallapoosa County, Alabama, into four commissioners' districts and provide for the election of the commissioners from each of said districts.

Be it enacted by the Legislature of Alabama:

Section 1. That Tallapoosa County is hereby divided into five commissioners districts to be known and called commissioners districts 1, 2, 3, 4 and 5.

Section 2. That district one in said County shall be composed of and embrace beats 1, 2, and 3. That district two in said County shall be composed of and embrace beats 4, 5, and 17. That district three in said County shall be composed of and embrace beats 7, 8, 9, 10, and 18. That district four in said County shall be composed of and embrace beats 6, 11, 14, 15, and 16. That District five in said County shall be composed of and embrace beats 12 and 13, and only one county commissioner for the

County of Tallapoosa shall be elected from each of said commissioners districts.

Section 3. That the county commissioners from each district shall be nominated by the qualified voters of the said district in which they reside, and after their nomination by the qualified electors of their district only, they shall be elected as provided by law by the qualified voters of the entire county.

Section 4. That this act shall not affect the right of tenure of office of the present county commissioners of Tallapoosa County, but said commissioners shall continue to hold and discharge the duties of their office until their successors are elected and qualified under this act.

Section 5. Be it further enacted, that all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

The State of Alabama, }
County of Tallapoosa. }

Before me, J. C. Colvin, a Notary Public in and for said County, in said State, this day personally appeared W. R. Jordan, Editor and Publisher of "The Alexander City Outlook," a newspaper published at Alexander City, in Tallapoosa County, Alabama, and known to me to be such Editor and Publisher of said newspaper, who being by me first duly sworn, deposes and says that the attached notice of the intention to apply to the Legislature of Alabama at the adjourned session of such Legislature to be held, beginning on the 10th day of July, 1923, for the passage of an Act, the substance of which will be to divide Tallapoosa County, Alabama, into five Commissioners' Districts and to provide for the nomination of a Commissioner from each of said districts by the qualified electors of their district only, was published once a week for four consecutive weeks in said newspaper, on to-wit: June 27th, July 4th, July 11th and July 18th, 1923, before the making of this affidavit.

W. R. Jordan,

Editor and Publisher of "The Alexander City Outlook."

Sworn to and subscribed before me this 18th day of July, 1923.

(Seal)

J. C. Colvin,

Notary Public, Tallapoosa County.

By Mr. Graves (with notice and proof) :

H. 480. To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said Court.

Revision of Laws.

Notice and proof H. 480:

NOTICE.

Notice is hereby given, as provided by Section 106 of the Constitution of 1901 of the intention to apply to the Legislature of Alabama at the adjourned session of such Legislature to be held, beginning on the 10th day of July, 1923, for the passage of an Act, the substance of which will be to enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and such bill shall be substantially as follows:

A bill to be entitled an Act to enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said Court.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be held regular terms of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, commencing on the second Monday of February and the second Monday in August of each year and said Court may remain in session for two weeks.

Section 2. That said court shall empanel and organize a grand jury during the first week of said court, which grand jury shall have all the powers that regular grand juries now have under the general laws of Alabama, and shall discharge all the duties that such grand juries are now required by the law to discharge, except that their jurisdiction in criminal cases shall be limited to offenses arising on the west side of the Tallapoosa River, in said County.

Section 3. That the Circuit Court of Tallapoosa County at Alexander City shall have and exercise all the jurisdiction, in civil cases, both at common law and in equity, and in criminal cases that the Circuit Courts of the State of Alabama now have and exercise, and shall exercise such jurisdiction under the same rules, except that the jurisdiction of said Circuit Court at Alexander City shall be limited in territory to the west side of the Tallapoosa River, in said County. All process shall be made returnable to the Circuit Court at Alexander City, and so designated in said process.

Section 4. That grand and petit jurors for the terms of said Court at Alexander City shall be drawn from the qualified citizens of the County of Tallapoosa at large as now provided by the general law. That there shall be drawn and summoned 36 regular petit jurors to serve at each term of said court, in the same manner and under the same rules that jurors are now drawn, summoned and empaneled under the general law. The compensation of the grand and petit jurors for said Court shall be the same as that of such jurors summoned to serve in the Circuit Court at Dadeville, in said County and shall be paid in the same way.

Section 5. That all causes in equity pending in the Circuit Court of Tallapoosa County, in which the parties reside in, or the land or other subject matter of the litigation is situated in, that part of Tallapoosa County lying west of the Tallapoosa River, and which are undetermined on the first day of January, 1924, shall be transferred from the docket of said Circuit Court to the docket of the Circuit Court at Alexander City and shall stand for trial at the first term of said Court at Alexander City after such transfer.

Section 6. That the Clerk and the Register in Equity of the Circuit Court of Tallapoosa County shall be Clerk and Register of the Circuit Court at Alexander City, and the sheriff of Tallapoosa County shall perform all the duties of Sheriff for said Court either in person or by deputy, and said Sheriff and the Clerk of the Circuit Court of said County shall keep offices at the Courthouse at Alexander City where all records, papers and files pertaining to said Court shall be safely kept, and said offices shall be kept open for the transaction of the business of said Court at all reasonable hours. And the Sheriff of said County shall keep a regular deputy at Alexander City as he is now required to do for the transaction of the business of said court, and the clerk of the Circuit Court of said County shall provide and keep a deputy Clerk at Alexander City as he is now required by law to do, and such deputy shall perform as deputy, all the duties as Register of the Circuit Court of Equity, and for his services as deputy Clerk and deputy Register in Equity he shall receive Six Hundred (\$600.00) Dollars per annum, to be paid in monthly installments out of the county treasury, on warrants to be drawn by the Judge of Probate for said County, and the Deputy Sheriff, for his services shall receive Six Hundred (\$600.00) Dollars per annum to be paid in like amount and in like manner. That the Sheriff shall summon two regular

qualified Constables, serving on the west side of the Tallapoosa river in said County, to attend upon the terms of said Court and to perform the duties of Bailiffs of said Court, and for their services they shall receive the regular compensation of Bailiffs of the Circuit Court at Dadeville, in said County, and shall be paid in the usual way that such bailiffs are paid.

Section 7. That in all civil causes originating in the Justice Courts of said County wherein the defendant or defendants reside in that portion of Tallapoosa County situated west of the Tallapoosa River, or the cause of action arose or the offense was committed west of said Tallapoosa River, and in actions for unlawful detainer and for forcible entry and unlawful detainer wherein the real estate involved lies west of said river, in said county, and in all criminal offenses committed in the territory situated west of said Tallapoosa river, in said County, of which the Justice Court of said County shall take jurisdiction, appeals when taken from said Justice Courts shall be to the Circuit Court of Tallapoosa County at Alexander City.

Section 8. That until a sufficient jail or prison is provided at Alexander City by the citizens of said County residing west of the Tallapoosa River and accepted by the Board of County Commissioner of Tallapoosa County, prisoners by indictment or otherwise and triable in the Circuit Court of Tallapoosa County at Alexander City, shall be confined in the jail at Dadeville until discharged by law or on bail according to law; and after said jail or prison is so furnished at Alexander City and accepted by the County Commissioners, prisoners whose causes are to be tried at Alexander City shall be confined in said jail or prison at Alexander City, Alabama.

Section 9. That all laws of a local character in so far as they conflict with or are repugnant to the provisions of this act be, and the same are hereby repealed.

The State of Alabama, }
County of Tallapoosa. }

Before me, J. C. Colvin, a Notary Public in and for said County, in said State, personally appeared W. R. Jordan, Editor and Publisher of "The Alexander City Outlook," a newspaper published at Alexander City, in said County and State, and known to me to be the Editor and Publisher of said newspaper, who being by me first duly sworn, deposes and says that the attached notice to enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said Court, was published once a week for four consecutive weeks in said newspaper on to-wit: June 20th, June 27th, July 4th, and July 11th, 1923, before the making of this affidavit.

W. R. Jordan,

Editor and Publisher of "The Alexander City Outlook."

Sworn to and subscribed before me this the 14th day of July, 1923.
(Seal)

J. C. Colvin,

Notary Public, Tallapoosa County.

By Mr. Dowdle:

H. 481. To authorize boards of revenue or courts of county commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Ways, Means and Appropriations.

By Mr. Verner:

H. 482. To amend Section 5222 of the Code.

Revision of Laws.

By Mr. Culver:

H. 483. To protect the comfort and health of passengers on railroad trains.

Commerce and Common Carriers.

By Mr. Letson:

H. 484. To define and prescribe the liability of an employer or master to his employee; to prescribe compensation or damages to an employee for injuries received by such employee in the course of his employment; in case of death of such employee caused from injuries received in the course of his employment to prescribe damages or compensation to his estate; to fix the burden of proof in such cases as to negligence and to make the question of negligence or contributory negligence a jury question; to exempt such damages from payment of debts and prevent benefit insurance from barring recovery.

Judiciary.

By Mr. Sollie:

H. 485. To amend Section 4492 of the Code of Alabama of 1907.

Revision of Laws.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 365. To authorize and empower the Circuit Solicitor in all counties in the State of Alabama having five or more Circuit Judges, or which counties may hereafter have five or more Circuit Judges, and which Circuit is confined to one county and in such county there is a division of the Circuit Court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a Deputy Circuit Solicitor; to employ all shorthand reporters necessary to properly report the proceedings before the Grand Jury and transcribe the same, and stenographer or stenographers for the office work of such Solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensation, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

H. 318. To amend Section 6733 of the 1907 Code of Alabama.

H. 308. To adopt a Code of Laws for the State of Alabama.

H. 307. To provide for the publication and distribution of the Code of Alabama.

H. 358. To amend sections 3, 6 and 7 of an act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

H. 359. To amend an act entitled "An Act to provide for the appointment of Deputy Circuit Solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin Counties, Alabama; to direct the disposition of said funds by and within the several counties.

H. 396. To authorize the appointment of Guardians to all persons entitled to the benefits of the Act of Congress, of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

H. 360. To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census.

S. 36. To amend Section 6148 of the Code of Alabama of 1907.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 388. To confer the right of eminent domain upon any person, firm or corporation for the construction and operation of pipe lines for the transportation of oil and gas.

H. 288. To repeal an act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

H. 333. To amend Section 7637 of the Code of Alabama, of 1907, so that the same shall read as follows: A convict may at

any time during his natural life make and publish his last will and testament and such convict shall not be for any purpose regarded as civilly dead, but may maintain any action at law or in equity which any citizen of this State may prosecute or maintain.

H. 319. To amend Section 7814 of the Code of Alabama, 1907.

H. 336. To authorize and empower the probate court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the personal representative to sell the same, and to regulate the practice in such cases.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 268 (with substitute). To define, license, regulate and control billiard rooms and to fix penalties for the violation of this act.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report with an amendment:

H. 320 (with amendment). To prescribe and fix the license or privilege tax to be paid by certain persons, firms, companies, corporations or associations engaged in business or in certain kinds or classes of business; to fix a penalty for doing such business without a license, and to provide for the enforcement thereof; and to further provide for the general revenues of the State of Alabama.

H. 321 (with amendment). Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, semi-trailers used on the public highways of Alabama, and for a registration or license fee therefor.

Mr. Adcock, Chairman of the Standing Committee on Pensions and Soldiers' Home, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report with a substitute:

H. 49 (with substitute). To amend parts or subdivisions four (4) and eleven (11) of an act of the Legislature of Alabama approved September 23, 1919, entitled an act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in

the army and navy of the Confederate States of America, and for their widows and for the regulation of and the payment thereof and to constitute and appoint a Pension Commission for the State of Alabama and prescribe its powers and duties, so as to provide for the qualifications of soldiers and sailors in the service of the State of Alabama and for soldiers and sailors in the army or navy of the Confederate States of America entitled to pensions and to provide for pensions for said soldiers and sailors.

H. 220 (with substitute). To amend an Act entitled "An Act to create a commission with authority and powers to act for and on behalf of the State of Alabama in acquiring by purchase or condemnation the building in the City of Montgomery, Alabama, commonly known and designated as the 'First White House of the Confederacy,' and also the land whereon said building rests or such other land as said commission may deem advisable, and to make appropriation for such purpose and for the maintenance and repair of such property," said Act having been approved September 26, 1919, and appearing in General Acts of Alabama of 1919 at page 736; to continue said Commission, to further prescribe its authority, powers and duties relative to the preservation of the building known as the "First White House of the Confederacy" as a Confederate museum, and to make adequate appropriation for the maintenance, repair, upkeep and a custodian of said property.

Mr. Graves, Chairman of the Standing Committee on Claims and Fees, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report with an amendment:

H. 100 (with amendment). To prohibit any public officer of this State from receiving any salary, allowances, fees or compensation other than over and above that prescribed by law as the salary of the chief office to which such officer may have been or may hereafter be elected or appointed; to prevent the increase in compensation of such officer during their terms of office; and to provide a penalty for the violation of this act.

H. 172 (with amendment). To require sheriffs and clerks of Courts of record to prorate costs as collected in proportion. as each is entitled.

Mr. Graves, Chairman of the Standing Committee on Claims and Fees, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report:

H. 148. For the relief of W. H. Harris, Clerk of the Circuit Court of Washington County and to authorize the custodian of the county funds to pay Mr. Harris the sum of \$223.45 out of

the fine and forfeiture funds of Washington County for fees due him.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 355 (with amendment). To amend Section 2 of an act "To establish a charter for the City of Bridgeport." (Approved February 18, 1891.)

Mr. Luck, Chairman of the Standing Committee on Local Legislature, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 283. To prevent live stock from running at large in Blount County, Alabama.

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike County," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike County at any time during the year.

H. 285. To prohibit the Court of County Commissioners of Butler County, Alabama, from issuing the bonds of Butler County as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

H. 381. To provide for the election and appointment of a County Superintendent of Education for Marion County, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

H. 380. To provide for the election of a County Treasurer for Marion County, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor.

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

H. 376. To provide for the election of a County Superintendent of Education for Lawrence County, Alabama, by the qualified electors of Lawrence County at the next General Election held in said county and each fourth year thereafter; to prescribe his qualifications, fix his term of office and to fix within certain limits, his salary.

H. 306. To provide for the election of a County Superintendent of Education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

H. 340. To repeal an Act entitled an Act, to incorporate the Prattville Male and Female Academy in the County of Autauga, approved February 23rd, 1860.

H. 339. To repeal an Act, "Entitled an Act, to make Township 17, Range 16 in Autauga County, a separate School District, approved February 17th, 1865.

H. 399. For the relief of Ed Smart.

H. 311. To define the jurisdiction of Justices of the Peace and Notaries Public who are ex-officio Justices of the Peace in Precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

H. 397. To rearrange and redistrict the Commissioner's Court Districts of Pickens County, Alabama.

H. 354. To provide for the division of Henry County, Alabama, into four commissioners districts, to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of such Districts; to fix their terms of office and prescribe their duties under this Act and as otherwise provided by law; to fix the date for election of such Commissioners; to require such Commissioners, including the present Court of County Commissioners, to furnish bond; and to further define and prescribe the duties and powers of said Court of County Commissioners.

H. 353. To require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said Court, showing all disbursements of County funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

H. 350. To amend Section 1 of an act approved February 18, 1891 entitled "An act to amend an act approved February 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the City of Wetumpka, approved February 23, 1883."

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston County, Alabama.

H. 351. To fix the salary of the Deputy Solicitor for Escambia County, Alabama, and provide for the manner of payment of the same.

H. 405. For the relief of the County Officers in Walker County, Alabama, and to provide for the filing and allowance of

claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the Probate Judge of Walker County, Alabama, for acting as Judge of and doing the work of the Judge of the County Court of Walker County, Alabama.

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama, and to repeal all laws and parts of laws in conflict herewith.

H. 402. To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

The above and foregoing bills were severally read a second time and placed on the Calendar.

RECOMMITTAL OF BILLS.

On motion of Mrs. Wilkins, the bill

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector in so far as his duties, powers and authority relate to children under sixteen years of age;" approved September 25, 1919; and section nine (9) of said act as amended by an act approved September 27, 1920.

Was recommitted to the Standing Committee on Ways, Means and Appropriations.

On motion of Mr. Luck, the bill,

H. 316. To give either party in a criminal or civil case where the same has been tried by a judge without a jury an appeal to the Court of Appeals or Supreme Court and reversed the right to demand a trial by jury.

Was taken from the Standing Committee on Revision of Laws and recommitted to the Standing Committee on Judiciary.

On motion of Mr. Fite, the bill

S. 130. To repeal an act entitled "an Act to amend the title and sections one (1), three (3), four (4),

fifteen (15), and 29, and paragraphs B and D of Section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty, to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act' approved September 28, 1915."

Was recommitted to the Standing Committee on Municipal Organization.

BILLS REPORTED ADVERSELY.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 330.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 325 and H. 326.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the Special Order, which was the bill,

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

On motion of Mr. Long, the House resolved itself into a Committee of the Whole House for the purpose of considering H. 294, in reference to and to further provide for the general revenue of the State of Alabama.

COMMITTEE OF THE WHOLE.

The Speaker named as Chairman of the Committee of the Whole House, Mr. St. John.

COMMITTEE OF THE WHOLE HOUSE.

The Committee of the Whole House having under consideration the bill

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Arose, and the Chairman of the Committee of the Whole House, Mr. St. John, reported progress and asked for further time.

On motion of Mr. Long further time was granted.

ADJOURNMENT.

On motion of Mr. L. K. Bowen of Jefferson, the House adjourned until tomorrow morning at ten o'clock.

TWENTY-FIRST DAY.

House of Representatives,
Friday, July 20th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. F. A. Rodgers of Livingston.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Kilpatrick	Sanders (Conecuh)
Adams	Fanning	Lee	Sanders (Pike)
Adcock	Ferrell	LeMaistre	Sessions
Allen	Fite	Letson	Smith (Clay)
Arrington	Forman	Long	Smith (Jefferson)
Ashcraft (Fayette)	Gaines	Love	Smith (Lee)
Ashcraft (Lauder'de)	Glenn	Luck	Snodgrass
Bealle	Glover	McDaniel	Sollie
Blackwell	Goode	McGowen	Stewart (Bibb)
Bowen, Lewis	Goodwyn	Melton	Stewart (Calhoun)
Bowen, L. K.	Graves	Mooneyham	Thompson (Etowah)
Boykin	Grove	Moorer	Thompson (Jackson)
Burns	Guy	Moxley	Tiller
Burton	Hall	Nichols	Tunstall
Byars	Hampton	Norman	Tyson
Calloway	Hatter	Odom	Varner
Cato	Hawkins	Parker	Verner
Christian	Henley	Patterson	Walker
Coleman	Henson	Poole	Wall
Cook	Hodgson	Posey	Walton
Culver	Hornsby	Powell	Ware
Deloney	Howard	Ringer	Mrs. Wilkins
Dickinson	Howze	Rountree	Williams
Dowdle	Hubbard	Rutherford	Wyatt
Dunwoody	Jeter	St. John	Young
Elliott	Jones		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twentieth Legislative Day, and finds same correct.

O. W. Melton.
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 20th Legislative Day was approved.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 74. Resolved by the House, the Senate concurring, that when the two Houses adjourn today they adjourn to meet Tuesday, July 24, at 2 o'clock P. M.

The rules were suspended and the resolution was adopted.

By Mr. Ashcraft of Lauderdale:

H. J. R. 75. Resolved, That the House of Representatives recall the Joint Resolution creating a reception committee for the occasion of the visit of United States Senator Underwood, and his address to the Joint Assembly.

The rules were suspended and the resolution was adopted.

By Mr. Long:

H. R. 76. Resolved by the House that the State Auditor is hereby requested to send to the House an itemized statement of disbursements of the State Highway Department from October 1st, 1922 up to July 1st, 1923, for the information of the House.

The rules were suspended and the resolution was adopted.

HOUSE JOINT RESOLUTION NO. 77 BY MR. MOXLEY.

By Mr. Moxley:

H. J. R. 77. Be it resolved by the House, the Senate concurring, that

Whereas, the Legislature of Alabama on September 30, 1919, approved an act creating a State Highway Department of the State of Alabama defining its duties and powers; authorizing the Highway Department to assent to an act of the United States Congress, approved July 11, 1916, for the purpose of aiding the several states in the construction and maintenance of rural post roads; and

Whereas, according to section 20 of the above act the Legislature of the State of Alabama accepted the terms and requirements of Congress as set out in the Federal Aid law in "An Act to provide that the United States shall aid the states in construction of post roads and for other purposes," and

Whereas, the good faith of the State of Alabama has been pledged to make available sufficient funds to fulfill the requirements of the above act and to comply with the provisions of said "Federal Aid Act," and

Whereas, the Legislature of the State of Alabama in approving above act of September 30, 1919, creating the Highway Commission or State Highway Department, in section 23, of this act requires the Highway Commission or Highway Department

to construct the highways or state trunk roads so as to connect each county seat with the county seats of the adjoining counties; and

Whereas, in disregard of the provisions and requirements contained in section 20 and section 23 of the above Highway Act, the Highway Commission adopted as project B in Crenshaw County, including 12.64 miles at a cost of \$254,234.74, being approximately 50% of the above county's quota, leaving less than \$200,000.00 with which to construct 56 additional miles, the number of miles required under section 23 requiring the location of State highways in such manner as to connect the county seat with the county seats of the adjoining counties, and

Whereas, the present location of project B in Crenshaw County as so located does not serve the location of rural post roads; and

Whereas, by minor changes in the location of above route it can be made to serve every intention for which highways and rural post roads are intended together with a saving in the cost of construction between \$175,000.00 and \$200,000.00 of the above named county's quota and serving better the needs of the citizens of the county at the same time placing it upon a higher location than the present one designated.

Therefore, be it resolved by the House, the Senate concurring, that the Governor be requested not to approve project above named until such time as a comparative survey of other proposed route or routes can be made for the purpose of estimating the difference in cost of construction along other available locations.

The rules were suspended and the resolution was adopted.
By Mr. Ashcraft of Lauderdale:

H. J. R. 78. Whereas, Senator Oscar W. Underwood will address the Legislature in Joint Session on July 31st.

Therefore, be it resolved by the House, the Senate concurring, that a reception committee is hereby created to be composed of the Lieutenant-Governor, the President Protem of the Senate, the Speaker of the House, and two members of the House to be appointed by the Speaker of the House, and that the Governor be and is hereby requested to act as Chairman of the said Reception Committee.

The rules were suspended and the resolution was adopted. The Speaker named as committee on part of the House, Messrs. Ashcraft of Lauderdale and Walker.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. Adams:

H. 486. To regulate traffic at railroad grade crossings in Alabama, and to provide penalties for violations of the provisions of this Act.

Commerce and Common Carriers.

By Mr. Rountree:

H. 487. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

Banking and Insurance.

By Mr. Rountree (with notice and proof):

H. 488. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Local Legislation.

Notice and proof H. 488:

BILL FOR INFERIOR COURT.

Notice is hereby given that at the next session of the Legislature of Alabama in July, 1923, a bill to establish an inferior court in Precinct 36, Selma, Dallas County, Alabama, will be presented for passage. Said bill is in substance as follows:

A bill to be entitled an act to establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justice of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court

and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge, and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace court in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established an inferior court in Precinct Number 36 in Dallas County, Alabama, which shall be known and designated as "The Court of Common Pleas of Selma," and which shall be in lieu of all justices of the peace and notaries public with power of justice of the peace, in said precinct. It shall have the jurisdiction now held by justices of the peace or that may hereafter be conferred by law on justices of the peace, or on said court, and the judge of said court shall have and exercise all the power and authority and perform all the duties now prescribed by law, for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now apply by law to justices of the peace.

Section 2. Be it further enacted, that there shall be a judge of said court, said judge shall at the time of his election or appointment be a resident of Dallas County, Alabama, be at least twenty-one years of age and shall within the State of Alabama have been admitted to the practice of law. The first judge of said court shall be appointed by the Governor of Alabama and such appointee shall hold his office until the regular election for State and County officers in the year 1924 and until his successor is elected and qualified. The said judge of said court shall hold office for a term of four years, and until his successor is elected and qualified.

Section 3. Be it further enacted, that at the regular election for state and county officers in the year 1924 and each four years thereafter, there shall be elected a judge of said court by the qualified electors of said precinct 36. All vacancies in the office of said judge of said court shall be filled by appointment by the governor, and such appointee so appointed shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. Be it further enacted, that such office shall be considered a county office within the meaning of election and other laws of Alabama.

Section 5. Be it further enacted, that the judge of said court shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the inferior court fund upon warrant drawn upon the county depository by the probate judge of Dallas County, Alabama. In the event there is not sufficient money in said fund to pay the salary of the judge within any particular month, the said judge shall be entitled to draw out of said fund in any month that sufficient funds are in said inferior court funds any back salary that may be due, provided, however, that no salary shall be paid any judge after his term of office has expired, unless there be a sufficient amount of money in said inferior court fund at the time of the expiration of his office. No money shall be paid out of said fund except for salary of said judge and expenses of said court.

Section 6. Be it further enacted, that the judge of said court shall give bond in the penal sum of two thousand dollars payable to the county of Dallas, and conditioned to faithfully discharge the duties of his office,

which said bond shall be approved by and filed in the office of the probate judge of said county, and also conditioned to pay over all money to the proper officer or persons to whom it is payable, and to faithfully account for all money coming into his hands by virtue of his office.

Section 7. The sheriff, coroner or special and deputy county solicitor shall perform the same duties in relation to the said court of common pleas as now devolve on them by law in relation to the circuit court of Dallas County, Alabama.

Section 8. It shall be the duty of the judge of said court to keep a docket of all the cases brought before this court such as is now required by law to be kept by all justices of the peace. The judge shall have authority to issue all necessary summons upon complaint being filed in said court and all other process which justices of the peace are required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said court. It shall be the duty of said judge to tax and collect in each case the same costs and fees for the services of judge, sheriff and witnesses as are provided under the laws of Alabama for justices of the peace and sheriffs. The sheriff's fees collected by said court shall be paid to the sheriff on the first Monday of each month. Any money paid to said judge on judgments rendered in said court shall be paid to the plaintiff or his attorney on demand. All the costs and fees allowed the judge of said court and all the witness fees and all fines and forfeitures assessed in said court shall be collected by the said judge and all the fees allowed the judge and all fines and forfeitures collected by said judge shall be paid by said judge on the first Monday of each month into a special fund of the county treasury to be known as the inferior court fund which is hereby created and which the custodian of county funds shall keep separate and apart from all other funds of said county provided that the witness fees assessed and collected by the judge shall be retained by him and paid over to the witness entitled to the same. Any witness fees in hands of said judge uncalled for within one month after receipt by him shall be paid by him into said inferior court fund.

Section 9. The witnesses in all cases in said court shall be entitled to the same fees, to be collected in the same manner by the judge of said court and paid over to him by the witnesses entitled to the same as provided in like cases before justices of the peace by the laws of the State of Alabama.

Section 10. The fees allowed constables and sheriffs in said precinct for service in justice of the peace courts shall be taxed and collected as now provided by law in each case, and paid over by said judge to the sheriff of Dallas County, Alabama, as hereinbefore provided.

Section 11. All processes of whatever kind or nature issued out of said court shall be addressed to any lawful officer of Dallas County, and shall be executed by the sheriff of Dallas County, Alabama, or one of his deputies.

Section 12. From any judgment of said court the defendants in criminal cases or the plaintiffs or defendants in civil cases shall have the right of appeal to the circuit court of Dallas county under the same regulations and requirements as now govern appeals from the courts of justices of the peace in the State of Alabama, and the bond furnished or required in such cases shall be governed by the same laws as now regulate appeals from the courts of justice of the peace in the State of Alabama.

Section 13. The forms to be used in said court shall be the same as prescribed by the Code of Alabama of 1907 for justices of the peace, but they shall not be the exclusive forms used, and any forms sufficient at common law or under the statute, or any forms provided in said code for similar or analogous proceedings in said court. All dockets, printed forms, and other stationery required by the said court shall be furnished and paid

for by the County of Dallas out of the said inferior court fund on warrant drawn by the probate judge of Dallas County, Alabama.

Section 14. Each month after the payment of the salary of the judge of said court, and other expenses of said court, the probate judge of Dallas County, Alabama, shall issue a warrant to the sheriff of Dallas County, Alabama, for any fees due him in criminal cases where the costs have not been paid and the defendant has performed hard labor for Dallas County; provided that said warrant shall not be for more money than is left in said inferior court fund and in no event shall be for more than fifty dollars in any one month.

Section 15. The judge of said court shall be permitted to practice law in all courts provided, however, that said judge shall not practice in the said court of common pleas of Selma and shall not practice in any case originating in or passing through the said court of common pleas of Selma.

Section 16. All laws effecting or regulating the practice in courts of justice of the peace of Dallas County shall be applicable to the court hereby established, and all certificates of judgment of said court may be recorded as now provided for certificates of judgment of justices of peace. Said judgments shall be a lien when recorded as now provided for justice of the peace judgments in Dallas County, Alabama.

Section 17. It shall be the duty of the court of county commissioners of Dallas County to provide a proper place for holding said court and to provide for the comforts and necessary blanks, stationery, dockets and books which shall be paid for out of said inferior court fund on warrant drawn by the probate judge of Dallas County, Alabama.

Section 18. Be it further enacted that thirty days after the approval of this act the terms of office of all justices of the peace in said precinct 36 shall expire and said office of justice of the peace in said precinct shall be abolished, and the dockets, official papers and records of all kinds of their respective offices shall be delivered to the judge of the court of common pleas of Selma by said justices and all causes pending in said justice courts shall be by such delivery transferred to the said court of common pleas, and executions and other process for the collections of judgments of said justice courts may be issued from said court of common pleas including executions for costs, and upon the collection of costs in any case accrued before said transfer the judge of said court of common pleas shall pay said costs to the justice of the peace or constable entitled thereto and shall take a receipt therefor, which shall be entered on the docket of said cause.

Section 19. Be it further enacted that at the expiration of thirty days after the approval of this act the terms of office of all justices of the peace and notaries public with powers of justice within the said above described territory shall expire, and said office of justice of the peace be abolished in the said precinct, and there shall hereafter be no justices of the peace elected or appointed for the said precinct and no notaries public with powers of justice of the peace and the said court of common pleas created by this act shall be in lieu of all the justices of the peace or notaries public with powers of justice of the peace in the said precinct.

Section 20. In the event that the Judge of said court is for any reason disqualified from acting or in the event of the Dallas County, Alabama, shall appoint an acting judge to try such cases as the judge of said court may be disqualified to try and in the event of the absence from the city of said Probate Judge, the Judge of the Circuit Court of Dallas County, Alabama shall appoint said acting judge.

Section 21. If any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or

constitutionality of any other section or provision therein which is not in and of itself void or unconstitutional.

Section 22. All laws and parts of laws general, local, or special, contrary to the provisions of this act are hereby repealed.

The State of Alabama, }
The County of Dallas. }

Before me, M. E. Frohlich, a Notary Public in and for said County and State, this day personally came F. T. Raiford, known to me to be the editor and publisher of The Selma Times Journal, a daily newspaper published in Selma, Dallas County, Alabama, who being by me first duly sworn deposes and says that he is the editor and publisher of the Selma Times Journal, a daily newspaper published in Selma, Dallas County, Alabama; that the attached notice to establish an inferior court in precinct 36 in Dallas County, Alabama in lieu of all justices of the peace and notaries public with power of justice of the peace was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

F. T. Raiford.

Sworn to and subscribed before me this 18th day of July, 1923.

M. E. Frohlich,

Notary Public, Dallas County, Alabama.

By Mr. Hornsby:

H. 489. To amend subdivision two of section 4505 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Walton:

H. 490. To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; to create a State Budget Commission and fix its powers; to prescribe the rules and regulations of such State Budget Commission; to repeal existing acts creating and relating to a State Budget Commission composed of the Governor, Auditor, Attorney General and Chief Examiner of Accounts.

Ways, Means and Appropriations.

By Mr. Fite:

H. 491. To prevent any person who hires or rents an automobile from taking or removing same or causing or allowing same to be taken or removed out of the State of Alabama without the consent of the owner, not intending to return same to its owner; providing punishment therefor; and providing that such taking or removal from the State of Alabama shall be prima facie evidence of the intent not to return same to its owner.

Judiciary.

By Mr. Fite:

H. 492. To prohibit any person from fraudulently obtaining possession of an automobile by hiring or renting same with intent to convert it to his own use—and converting same; providing punishment therefor; and providing that evidence of such

conversion be prima facie evidence of fraudulent intent to convert at time possession obtained.

Judiciary.

By Mr. Fite:

H. 493. To prohibit the knowingly use of or knowingly suffering the use of an automobile, hired or obtained from another for a lawful purpose or business, to be used, for the purpose of the removal or transportation of prohibited liquors in violation of the laws of Alabama, and to provide the punishment for the violation thereof.

Judiciary.

By Mr. Fite:

H. 494. To prohibit the hiring or renting of an automobile with intent to defraud; to fix the punishment for the violation thereof; and to prescribe a rule of evidence in prosecutions thereunder.

Judiciary.

By Mr. Fite:

H. 495. To prohibit any person from hiring or renting an automobile with intent to convert same to his own use—providing punishment therefor; and providing that the removal of same from the State of Alabama without the consent of the owner shall be prima facie evidence of intent to convert at the time of hiring or renting.

Judiciary.

By Mr. Fite:

H. 496. To prohibit the hiring of an automobile with intent to injure or defraud its owner; to prohibit an automobile obtained under written contract of hire from being used for a different purpose or business or greater length of time than for which hired; to prevent the use of same in violation of the criminal law of the State of Alabama; to provide punishment therefor; and to prescribe a rule of evidence in prosecutions thereunder.

Judiciary.

By Mr. Fite:

H. 497. To require all steam operated railroads to pay its employees earning less than three thousand dollars per annum, their earnings or wages every two weeks.

Labor and Immigration.

By Mr. Glenn:

H. 498. To enlarge the authority, powers, and jurisdiction of the Alabama Public Service Commission so as to effectively provide for the supervision and regulation by said Commission in the public interest of rates, rules, regulations, practice, fares, and charges of said public Utility or Utilities.

Judiciary.

By Mr. Coleman (with notice and proof) :

H. 499. To provide for the Town of Boaz and School District known as the Boaz School District, to manage and control the affairs of its public schools in said school district. To provide for the election of a board of education by the Town Council of the Town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said Town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

Local Legislation.

Notice and proof H. 499:

NOTICE.

Notice is hereby given that the following bill will be introduced at the next session of the Legislature.

John W. Brown,
Mayor.

An Act to provide for the Town of Boaz and School District known as the Boaz School District, to manage and control the affairs of its public schools in said district. To provide for the election of a board of education by the Town Council of the Town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said Town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

Section 1. Be it enacted by the Legislature of Alabama that on and after the passage and approval of this Act, the public school of the Town of Boaz, in the Boaz School District, shall be under the supervision, control and management of a board of education elected by the Town Council of the Town of Boaz, Alabama.

Section 2. That said board of education shall have the powers and authority over said school district that the County Board of Education now has or may hereinafter be given by law.

Section 3. That in addition to the powers already conferred on boards of education by law, said board elected for the Town of Boaz under the provisions of this Act, shall have the power and authority to borrow money and to execute a mortgage on the property of said school for the purpose of procuring additional funds for the erection and equipping a suitable school building in said Town.

Section 4. That said board of education shall have the right to pay off and satisfy said mortgage out of funds derived from the levy and collection of a special school tax voted in said school district, which may hereafter be levied as provided by law, or by other means as they may deem right and to the best interest of the school.

Section 5. That immediately after the passage and approval of this Act the Town Council of the said Town of Boaz shall have the right to proceed to elect a board of education consisting of five members, the same to be elected by a majority of the members of the council sitting at a regularly organized meeting of the Town Council and it shall be legal to

elect said board of education at a called meeting of the council, provided however that all members of the council shall have at least one full day's notice of said meeting.

Section 6. The term of office of said members of said board of education shall be for the same period as the council which elects them, and they shall serve without compensation.

Section 7. This Act shall go into effect immediately on its passage and approval by the Governor.

Section 8. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marshall County. }

Personally appeared before me, John W. Brown, Notary Public in and for said State and County, J. W. Mills, Editor of the Boaz Leader, who, being by me duly sworn, did depose as follows:

That the proposed Act has been published in the Boaz Leader, a newspaper of general circulation, published in the Town of Boaz, Marshall County, Alabama, in its issues of June 8, 15, 22 and 29, in the year 1923, for four consecutive weeks before making this affidavit; and that the same has been published without cost to the State of Alabama.

J. W. Mills,
Affiant.

Sworn and subscribed to before me this 14th day of July, A. D. 1923.
(Seal)

John W. Brown,
Notary Public.

By Mr. Goodwyn:

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of Four Hundred and Thirty-two (\$432.00) Dollars, for services rendered by him as Clerk or Secretary of the Alabama Public Service Commission.

Ways, Means and Appropriations.

By Mr. McGowen:

H. 501. To provide for the establishing, control and operation and support of a State Secondary Agricultural School and experiment station at Cuba, in Sumter County, Alabama, in the 6th Congressional District of Alabama.

Ways, Means and Appropriations.

By Mr. Henson (with notice and proof):

H. 502. For the relief of W. H. Long, ex-Sheriff of Washington County, Alabama, authorizing the payment to him of fees out of the Fine and Forfeiture Fund of Washington County, Alabama, that have been barred by reason that the claims were not filed within twelve months.

Local Legislation.

Notice and proof H. 502:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama for the relief of W. H. Long, ex-Sheriff of Washington County, Alabama, providing for the collection by him of fees to be col-

lected out of the fine and forfeiture funds of Washington County, and authorizing the County Custodian of Washington County, Alabama, to pay such fees.

State of Alabama, }
Washington County. }

I, Thos. A. Gordon, Foreman of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of Notice of a local Bill as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 7th, 1923, and ending with the issue dated June 28th, 1923. I further certify that I have the right and authority to make this affidavit.

Thos. A. Gordon.

Sworn to and subscribed before me this the 18th day of July, 1923.

Wallace P. Pruitt,

Notary Public, Washington County, Alabama.

By Mr. Merrill:

H. 503. To provide and regulate further appeals to the Supreme Court from interlocutory judgments, decrees and orders.
Judiciary.

By Mr. Rountree (with notice and proof):

H. 504. To alter and fix the boundaries of the City of Selma, a municipal corporation in Dallas County, Alabama.

Local Legislation.

With notice and proof H. 504:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama during the present term of the same for the purpose of having same passed and become a law.

A bill to be entitled "An Act to alter and fix the boundaries of the City of Selma, a municipal corporation in Dallas County, Alabama."

Section 1. Be it enacted by the Legislature of Alabama as follows: That the boundaries of the City of Selma, a municipal corporation in Dallas county, Alabama, be and the same are hereby altered and fixed so as to include within the corporate limits thereof all that territory lying within the County of Dallas, in said state, described and bounded as follows, to-wit:

Beginning at a point where the east bank of the Valley Creek intersects the north bank of the Alabama river at low water mark; thence northerly along the east bank of Valley Creek with the meanderings thereof to a point on said creek where the same would intersect the northern margin of First avenue, if extended to the east bank of said creek; thence east along the said northern margin of First avenue to the corner formed by the intersection of the east side of the Selma and Summerfield public road, with the north margin of First avenue; thence north along the east margin of said Selma and Summerfield public road to a point two hundred feet north of the north margin of a street or road known as Seventh avenue; thence in an easterly direction parallel to Seventh avenue to the east margin of Broad street; then north to a point two hundred feet north of the point where the east margin of said Broad street intersects the north margin of Highland avenue; as shown by a map of Highland Park Land

Company of record in the Probate Office of Dallas county, Alabama; thence due east to the west margin of the Range Line road; thence south along the west margin of the Range Line road to the point where the south margin of Second avenue, if extended, would intersect the said west margin of the Range Line road; thence east along said south margin of Second avenue to the west margin of Mechanic street; thence south along the west margin of Mechanic street to the south margin of Minter avenue; thence east to the west margin of Race street, the line between sections twenty-nine and thirty, township seventeen, range eleven, being in said street; thence south to the northerly bank of Beech creek; thence along the northerly bank of said creek with the meanderings thereof to the northerly bank of the Alabama river; thence south to the south bank of the Alabama river; thence westerly along the south bank of the Alabama river to a point due south of the intersection of the east margin of Valley creek with the Alabama river at low water mark; thence due north to the point of beginning.

Section 2. Be it further enacted, That the boundaries set out in section one of this act be and the same are hereby established as the corporate limits of the City of Selma, a municipal corporation in Dallas County, Alabama.

State of Alabama, }
County of Dallas. }

Before me, E. H. Hobbs, a Notary Public in and for said State and County, personally came F. T. Raiford, who being by me first duly sworn to speak the truth, deposes and says that he is Editor and Publisher of the Selma Times Journal, a newspaper published daily at Selma, Dallas County, Alabama, that the hereto attached copy of the bill to be entitled, "An Act to alter and fix the boundaries of the City of Selma, a Municipal Corporation, in Dallas County, Alabama," was published in the said Selma Times Journal, at Selma, Dallas County, Alabama, on the following dates, to-wit: January 16th, 1923; January 23rd, 1923; January 30th, 1923, and February 3rd, 1923.

Witness my hand this 18th day of July, 1923.

F. T. Raiford.

Sworn to and subscribed before me this 18th day of July, 1923.

E. H. Hobbs,

Notary Public, Dallas County, Alabama.

By Mr. Rountree:

H. 505. To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such Bureau; providing for the necessary officers and employees for such Bureau, and fixing their compensation; defining their duties and powers; and vesting such Bureau and officers with all the authority now exercised by any other Department and any other officers pertaining to the Insurance business in this State, thereby relieving such other Departments and officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

Banking and Insurance.

By Mr. Rountree:

H. 506. To prohibit derogatory statements in regard to insurance companies, and to provide punishment therefor.

Banking and Insurance.

By Mr. Rountree (By request) :

H. 507. To amend an act entitled "An act to create the office of State fire marshal, and to provide for the appointment of deputy marshals and assistants, to define their powers and duties and to fix their compensation; provide ways and means for the enforcement of this act and penalties for violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof," approved September 30, 1919.

Banking and Insurance.

By Mr. Hampton:

H. 508. To regulate contracts between employer and employee, and to impose a penalty for the violation thereof.

Judiciary.

By Mr. Smith of Jefferson:

H. 509. To repeal an act entitled an act, "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes," approved March 17, 1915.

Public Roads and Highways.

By Mr. Smith of Jefferson:

H. 510. To amend, "An act to regulate inferior courts in cities having more than thirty-five thousand population, according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the Justice of the Peace in said cities."

Judiciary.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 395. To authorize the Attorney-General of Alabama to carry into effect the provisions of an act entitled an act donating a section of land to Emma Johnson, a widow, formerly Emma Samson, in consideration of Public Service. Approved February 10, 1899.

H. 409. To amend Section Two of an "Act to provide for holding terms of the Circuit Court of Coffee County twice each year, at both Elba and Enterprise, in said County; to define the

jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act."

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

H. 477. To prevent any person or persons from running or chasing a fox or foxes with a dog or dogs between the first day of March and the fifteenth day of September of any year; to make it a misdemeanor for any one violating this act, and to prescribe the penalty for such violation.

S. 55. To amend subdivision 5, of section 3052 of the Code, relating to the jurisdiction of the Equity Courts.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report with an amendment:

H. 363 (with amendment). To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

H. 296 (with amendment). To provide for the establishment of titles to real estate by a proceeding in rem.

H. 72 (with amendment). To divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted upon the following bill, and ordered same returned to the House with a favorable report with a substitute:

H. 387 (with substitute). To amend Section 5652 of the Code.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted upon the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 202 (with substitute). To permit newspaper editors, publishers and employees, of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the free use of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted upon the following bills and ordered same returned to the House with a favorable report:

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the jurisdiction and powers of said court, the Judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

H. 473. To provide for the election of the County Superintendent of Education of Morgan County, Alabama, by a direct vote of all the qualified electors of said County.

H. 474. To regulate the nomination of candidates for the office of County Board of Education of Morgan County, Alabama.

H. 476. To provide for the taxing and collecting of certain costs in criminal cases in the County Court of Shelby County.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted

H. J. R. 72. Relative to condemning the action and words of Mrs. Lillian R. Maugans, Postmistress at Eufaula, Alabama, and urging the removal of her as such officer.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted
H. J. R. 74. Resolved by the House, the Senate concurring,
that when the two Houses adjourn today they adjourn to meet
Tuesday, July 24, at 2 o'clock P. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following Joint
Resolution :

By Mr. Jones of Barbour :

S. J. R. 97. Whereas, it is brought to the attention of the
Legislature of Alabama that Confederate cemeteries on North-
ern battlefields are receiving little care and maintenance, being
permitted to grow up in weeds and trees, the graves becoming
obliterated, and the sites of the cemeteries themselves in danger
of being lost and forgotten to history.

And whereas, a people who hold in sacred remembrance the
valor and devotion of these heroes who fell in defense of their
native southland, will not bear to see the last resting places of
their gallant sons to remain longer in such condition as to reflect
upon the esteem in which true Southrons regard them, and desire
that their burial grounds be maintained in simple yet permanent
style which will preserve for history a visible memorial of their
gallant chivalry, and by a tender care of their burial couches giv-
ing expression to that esteem, and perpetuating for history a visi-
ble reminder to the heights to which true loyalty and patriotism
could inspire a brave and chivalrous people.

Now, therefore, be it resolved by the Senate of Alabama, the
House of Representatives concurring, That a legislative commis-
sion to consist of three members of the Senate and five members
of the House be raised, to be appointed by the presiding officers
of their respective bodies, whose duty it shall be to communicate
to the other states of the Southland Alabama's desire to give
decent care to Confederate cemeteries north of the Mason and
Dixon line, to invite the co-operation of our sister states of the
Southland, and of all such patriotic bodies as may be interested,
make investigation of the probable cost of such a movement along
plain and simple lines, and arrange with sister states the proper
share of each state, and with patriotic bodies the amount which
they may desire to raise, and embody such arrangement of a ten-
tative program in a report to the Legislature of 1927; to the end
that such Legislature may be advised of the scope of the work to
be done, the amount of funds necessary, and the amount that

should properly be borne by the several states interested, and the amounts which the several patriotic bodies might desire to contribute, to the end that the Legislature of 1927 may be fully advised on this subject and take such action as in their judgment they may deem wise.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 97, which is set out in the above and foregoing message from the Senate, was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution and sends same herewith to the House, to-wit:

By Mr. Carmichael:

S. J. R. 96. Whereas, the general of the armies of the United States, John J. Pershing, will be in Birmingham as the guest of the Birmingham Post of the American Legion on July 25th next and has been invited to visit Montgomery on the day following as the guest of the Montgomery Post of the American Legion; and,

Whereas, General Pershing functioned as the commanding general of the more than two million men which comprised the American Expeditionary Forces in Europe during the World War and, through his superb leadership and generalship, caused the American army to emerge victoriously in every conflict in which it was engaged, although frequently pitted against the strongest shock troops of the Central European Powers; and,

Whereas, it is recognized that the victorious successes won by the American troops commanded by General Pershing broke the heart of the enemy; pushed him back from the deep incursions he had made into French and Belgian soil; and caused him, in November, 1918, to fall to his knees and entreat for cessation of hostilities under terms to be dictated by the United States and our allies; and,

Whereas, it is recognized that the American Expeditionary Forces commanded by General Pershing snatched victory from defeat and that, by such victory our allies, were rescued from oppression and domination at the hands of a militaristic empire, thereby enabling democracy to emerge securely from out of the great assault launched against it by that supreme oligarch, the former emperor of Germany:

Now, therefore, be it resolved by the Senate of Alabama, the House concurring:

1. That General John J. Pershing be, on the occasion of his visit to Alabama, invited to visit the State Capitol and address the Senate and the House in joint session assembled.

2. That a committee of five, of which two shall be from the Senate and three from the House, be appointed to convey proper invitation to General Pershing and to arrange the details of his visit.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

The Senate Joint Resolution No. 96, which is set out in the above and foregoing Senate message was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Said Governor's message containing the proposed amendment being in the following words and figures, to-wit:

MESSAGE FROM THE GOVERNOR.

To the Members of the Senate:

I herewith return to you Senate Bill No. 78 relating to the shipping and sale of watermelons and prescribing penalty for the violation thereof.

I cannot give my approval to this bill in its present condition. I doubt the wisdom and policy of the bill even when it applies to intrastate shipments only. I am however, willing to yield my judgment in this matter to that of the two Houses which passed the bill, but in my judgment there is a Constitutional objection which should be removed.

I, therefore, recommend that the bill be amended by adding at the end thereof the following proviso:

"Provided, that this Act shall not be construed to relate or apply to interstate shipments."

With this amendment I would be willing to approve the bill.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 19th, 1923.

And the Senate has concurred in and adopted the amendment proposed by the Governor to said bill S. 78 by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 28; nays, 3.

And said bill, S. 78, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 21; nays, 7.

And said bill with the Governor's message containing the proposed amendment is herewith sent to the House for its consideration.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

On motion of Mr. Gaines, the House concurred in and adopted the Governor's amendment to the bill S. 78, to provide for loading, shipping and sale of watermelons and prescribing penalties for the violation therefor.

Said Governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 86; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Lee	Sanders (Pike)
Adams	Ferrell	LeMaistre	Sessions
Adcock	Fite	Long	Smith (Clay)
Allen	Forman	Luck	Smith (Jefferson)
Arrington	Gaines	McDaniel	Smith (Lee)
Ashcraft (Fayette)	Glenn	McGowen	Snodgrass
Ashcraft (Lauder'de)	Goodwyn	Melton	Sollie
Bealle	Graves	Mooneyham	Stewart (Bibb)
Blackwell	Grove	Moorer	Stewart (Calhoun)
Bowen, L. K.	Guy	Moxley	Thompson (Etowah)
Boykin	Hampton	Nichols	Tiller
Burns	Hatter	Norman	Tyson
Byars	Hawkins	Patterson	Varnier
Calloway	Henley	Poole	Verner
Cook	Henson	Posey	Walker
Culver	Hodgson	Ringer	Wall
Deloney	Hornsby	Rives	Walton
Dickinson	Howard	Rountree	Ware
Dowdle	Howze	Rutherford	Mrs. Wilkins
Dunwoody	Jeter	St. John	Williams
Elliott	Jones	Sanders (Conecuh)	Young
Embry	Kilpatrick		

—86

Which was a majority of the whole number elected to the House.

And the bill

S. 78. To provide for loading, shipping and sale of watermelons and prescribing penalties for the violation therefor.

As amended by the amendment of the Governor, was again read a third time at length and passed.

Yeas, 79; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howze	Rountree
Adams	Embry	Jeter	Rutherford
Adcock	Fanning	Jones	St. John
Allen	Ferrell	Kilpatrick	Sessions
Arrington	Fite	Lee	Snodgrass
Ashcraft (Fayette)	Forman	LeMaistre	Sollie
Ashcraft (Lauder ^{ee})	Gaines	Long	Tiller
Bealle	Glenn	Love	Tunstall
Blackwell	Glover	Luck	Tyson
Bowen, Lewis	Goodwyn	McDaniel	Varner
Bowen, L. K.	Graves	Melton	Verner
Burns	Grove	Moorer	Walker
Burton	Guy	Moxley	Wall
Byars	Hall	Nichols	Walton
Calloway	Hampton	Norman	Ware
Cato	Hatter	Odom	Mrs. Wilkins
Cook	Henley	Parker	Williams
Culver	Henson	Poole	Wyatt
Deloney	Hodgson	Posey	Young
Dowdle	Hornsby	Ringer	

—79

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to H. R. 75, I herewith return to the House for further action thereon:

H. J. R. 73. Creating a Joint Reception Committee for the occasion of the visit of Senator Underwood on July 31st.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ashcraft of Lauderdale, the vote by which H. J. R. 73 was adopted was reconsidered and on a further motion the resolution was laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Also:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue, and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Also:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolutions:

H. J. R. 13. Creating a Recess Agricultural Committee.

Also:

H. J. R. 78. Relative to creating a Joint Reception Committee on the occasion of the visit of Senator Underwood on July 31st.

And returns same herewith to the House.

J. E. Speight,
Secretary.

On motion of Mr. Ashcraft of Lauderdale, the House resolved itself into a Committee of the Whole House for the further consideration of:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

COMMITTEE OF THE WHOLE HOUSE.

The Speaker of the House again named Mr. St. John as Chairman of the Committee of the Whole House.

On motion of Mr. Sollie, the Committee of the Whole House arose. The Speaker of the House again called the House to order.

Mr. St. John, Chairman of the Committee of the Whole House, returned to the House, the bill

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

With a favorable report with an amendment.

And said bill,

H. 294 (with amendment). In reference to and to further provide for the general revenue of the State of Alabama.

Was again read a second time and placed upon the Calendar.

ORDER TO PRINT.

On motion of Mr. Jeter, five hundred copies of the Revenue Bill as amended by the Committee of the Whole were ordered printed.

ADJOURNMENT.

Under H. J. R. 74 the House adjourned until Tuesday, July 24, 1923, at two o'clock P. M.

TWENTY-SECOND DAY.

House of Representatives,
Tuesday, July 24th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Dowdell of the House.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Embry	Kilpatrick	St. John
Adams	Fanning	Lee	Sanders (Conecuh)
Adcock	Ferrell	LeMaistre	Sanders (Pike)
Allen	Fite	Letson	Sessions
Arrington	Forman	Long	Smith (Clay)
Ashcraft (Fayette)	Gaines	Love	Smith (Lee)
Ashcraft (Lauderdl.)	Glenn	Luck	Snodgrass
Bealle	Glover	McDaniel	Sollie
Blackwell	Goode	McGowen	Stewart (Bibb)
Bowen, Lewis	Goodwyn	Melton	Stewart (Calhoun)
Bowen, L. K.	Graves	Mooneyham	Thompson (Etowah)
Boykin	Grove	Moorer	Thompson (Jackson)
Burns	Guy	Moxley	Tiller
Burton	Hall	Nichols	Tunstall
Byars	Hampton	Norman	Tyson
Calloway	Hatter	Odom	Varner
Cato	Hawkins	Parker	Verner
Christian	Henley	Patterson	Walker
Coleman	Henson	Pickens	Wall
Cook	Hodgson	Poole	Walton
Culver	Hornsby	Posey	Ware
Deloney	Howard	Powell	Mrs. Wilkins
Dickinson	Howze	Ringer	Williams
Dowdle	Hubbard	Rountree	Wyatt
Dunwoody	Jeter	Rutherford	Young
Elliott	Jones		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-First Legislative Day, and finds same correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 21st Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Smith of Jefferson for today.

OATH OF OFFICE.

Messrs. Holcombe and Kilborn, Representatives elect from Mobile County, appeared, and the oath of office was administered to them by Mr. Merrill, Speaker of the House.

ORDER TO PRINT.

In accordance with House Resolution No. 76, heretofore adopted, the State Auditor furnished to the House the information requested in said resolution and on motion of Mr. Long five hundred copies were ordered printed for the use of the House.

COMMITTEE ASSIGNMENTS.

The Speaker made the following committee assignments:

Mr. Kilborn on the following Standing Committees: Revision of Laws, Temperance and Rivers and Harbors.

Mr. Holcombe, Chairman of River and Harbors and added to the Standing Committees on Commerce and Common Carriers and Public Health.

INVITATION.

Mr. Varner extended the following invitation in writing:

To the House of Representatives of Alabama:

On behalf of the people of Macon County I beg to extend to the House of Representatives a most cordial invitation to an old-fashioned Southern Barbecue, to be given at Tuskegee, Alabama on Friday, July 27th. This invitation to include the Clerk of the House and his assistants, and all other House Clerks, and the members of the press in attendance on the House.

A warm welcome awaits all who can honor Tuskegee with their presence on the day named.

William Varner.

And on motion of Mr. Varner the invitation was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows

By Mr. Parker (with notice and proof) :

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her name placed on the Confederate Pension Roll.

Pensions and Soldiers' Home.

Notice and proof H. 511 :

A BILL.

There will be a bill introduced in the next Legislature for the relief of Mrs. Carrie Robbins Norrell of Coosa County and to place her on the pension roll that she draw as other widows of soldiers.

This December 11, 1922.

State of Alabama, }
Coosa County. }

Before the undersigned authority, personally appeared A. Ayers, who first being duly sworn, deposes and says, that he is editor and publisher of the Rockford Chronicle, a newspaper published weekly in Coosa County, Alabama; that he, as such editor and publisher, did publish in said newspaper for four consecutive weeks, beginning January 11th, 1923, the above attached notice of intention to introduce a bill in the Legislature of Alabama to place on the pension roll Mrs. Carrie Robbins Norrell.

Dated at Rockford, Alabama, and signed by the said A. Ayers, on this July 23rd, 1923.

A. Ayers,
Editor and Publisher of the Rockford Chronicle.

(Seal)

Henry A. Neel,
Notary Public, Coosa County, Alabama.

By Mr. Williams :

H. 512. To provide a general law in the State of Alabama to be known as the Public Highway Act. To provide a complete and general system of locating, constructing and maintaining the public highways in the several counties of the State of Alabama. To provide for a highway tax or fee on male persons between the ages of twenty-one and fifty years, and to abolish the system of free labor on the public highways of the State. To provide the manner of collecting said fees and the punishment for the violation of the provisions of this act. To establish in each county a county highway commission and to provide for the appointment and terms of office and compensation of its members, and to prescribe their duties and powers. To otherwise provide a general law concerning public highways in the State of Alabama.

Public Roads and Highways.

By Mr. Fite :

H. 513. To amend subdivision 7 of Section 3754 of the Code of Alabama.

Revision of Laws.

By Mr. Fite (with notice and proof) :

H. 514. To create the office of First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors

of Jefferson County, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

Judiciary.

Notice and proof H. 514:

NOTICE.

A bill, to be entitled an Act to create the office of First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established the office of First Assistant Clerk and ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama.

Section 2. That said First Assistant Clerk and Ex-officio Judge of said court shall be appointed by the judge of said Jefferson County Court of Misdemeanors of Jefferson County, Alabama.

Section 3. That the said judge shall, upon the making of said appointment, issue to the appointee a certificate of the appointment, and cause a copy of said certificate to be recorded in the record of Jefferson County Court of Misdemeanors of Jefferson County, Alabama.

Section 4. That the duties of said First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama, shall be to issue the necessary legal processes from said court, to take affidavits, and to issue warrants of arrest returnable to said court, or any other court having jurisdiction there or in said county, to examine complainants and witnesses, and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where the party charged with crime is entitled to bail under any warrant issued by him, and to keep a record of said processes, warrants and other things done by him as such First Assistant Clerk and ex-officio Judge of said Court.

Section 5. That the Board of Revenue of Jefferson County, Alabama, shall provide a suitable office in the Court House, as convenient as may be to the place of the holding of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama, and shall furnish the same in a suitable manner, and shall provide necessary furnishings, stationery, and forms for the proper discharge of the duties of said First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama.

Section 6. Said First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama, shall receive as compensation for his services the sum of Twenty-four Hundred (\$2,400) Dollars per annum, payable in equal monthly installments of Two Hundred (\$200.00) Dollars per month, out of the County Treasury of Jefferson County, Alabama, upon warrants drawn by the Judge of said court from the County Treasurer of said County, showing that the said First Assistant Clerk and Ex-officio Judge has performed the duties of his office for the month for which said warrant is so drawn.

Section 7. That said First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Ala-

bama, shall use the title: "Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama."

Section 8. That said First Assistant Clerk and Ex-officio Judge of said Jefferson County Court of Misdemeanors of Jefferson County, Alabama, shall be appointed after the passage of this Act and shall hold office until the expiration of the present term of the judge of said court, and shall thereafter be appointed as provided herein for a term expiring with the term for which the judge of said court is elected or appointed.

Section 9. That the said First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama, may be removed at any time for cause.

Section 10. Be it further enacted that all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

State of Alabama,)
Jefferson County. }

Personally appeared before me Phil Painter who, after being duly sworn deposes and says, that he is publisher of The Advance a weekly newspaper, published at Birmingham, Jefferson County, Alabama, and that the attached notice appeared four consecutive weeks in the Advance.

Phil Painter,
Publisher Advance.

Sworn to and subscribed before me this 14th day of July, 1923.
(Seal)

W. R. Watkins,
Notary Public.

By Mr. Fite (with notice and proof):

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant number 2958, for \$1010.00, payable to him, issued by the Board of Revenue of Jefferson County, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

Local Legislation.

Notice and proof H. 515:

NOTICE.

A bill in substance as follows will be introduced and its passage urged at the coming adjourned session of the Legislature of Alabama, which meets in July, 1923:

A bill to be entitled an Act for the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1010.00, payable to him, issued by the Board of Revenue of Jefferson County, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the County Treasury of said County.

Be it enacted by the Legislature of Alabama:

Sec. 1. That that certain warrant, number 2958, for \$1010.00, payable to Rose Huey and issued by the Board of Revenue of Jefferson County, Alabama, at Bessemer, on the 17th day of July, 1922, and signed by D. C. Ball, President Board of Revenue and countersigned by J. W. Pickens, Clerk, be and the same is hereby validated and made a binding obligation of and a valid claim against Jefferson County, Alabama, and the Treasurer of said County is hereby authorized, directed and required to pay the same,

on presentment thereof, out of any funds in the County Treasury of said County not otherwise appropriated.

Sec. 2. That said warrant was so issued by the Board of Revenue of Jefferson County, Alabama, for the purpose of and the payment of said warrant shall operate as a refunding to said Rose Huey of the said sum which he had theretofore paid by error into said County Treasury from and of fees collected by him as Deputy Clerk of the Bessemer Division of the Circuit Court of said County for registering dogs and collecting the tax and fees thereon, the said Rose Huey under the law being entitled to said fees and having by error paid them into the County Treasury of said County.

Sec. 3. That if any section, clause or provision of this act is held to be unconstitutional or void such holding shall not effect any other section, clause or provision of this act that is not in itself unconstitutional or void.

Sec. 4. That all laws and parts of laws, whether general, special or local, in conflict with the provisions hereof be and the same are hereby repealed.

Rose Huey.

State of Alabama, }
Jefferson County. }

Personally appeared before me, the undersigned authority, in and for said County, in said State, Howe Price, the Editor of The Bessemer Advertiser, who being by me duly sworn deposes and says that the foregoing attached notice was published in The Bessemer Advertiser, a weekly newspaper of general circulation, published at Bessemer, Jefferson County, Alabama, for four consecutive weeks, that is, on June 28th, July 5th, July 12th, and July 19th, 1923, and that he is the editor of said newspaper, and that said notice was published without cost to the State.

Howe Price.

Subscribed and sworn to before me, this 23rd day of July, 1923.

W. S. Welch,

Notary Public.

By Mr. Lewis Bowen (with notice and proof) :

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highway, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the Southwest quarter of the Southeast quarter of Section Five (5), Township Eighteen (18), South, Range Two (2), West, in Jefferson County, Alabama, described as follows: Commence at or near the Southeast corner of said Southwest quarter of the Southeast quarter of Section Five (5) at the intersection of said highway, roadway or passageway with the Montevallo Road and extend thence West along or near the southern boundary line of said Southwest Quarter of the Southeast Quarter of Section Five (5) to the Western boundary line, or to an extension thereof to the South, of said Southwest Quarter of the Southeast Quarter of Section Five (5).

Local Legislation.

Notice and proof H. 516:

To whom it may concern:

Notice is hereby given that during the month of July, 1923, the undersigned intend to make application to the Legislature of the State of Ala-

bama to pass a bill to forever vacate, annul, abandon and relinquish all right of the public arising from or by virtue of any dedication, prescription, adverse user or otherwise of that certain highway, roadway, or passageway or part of highway, roadway or passageway located along, or near the southern boundary line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 18, South, Range 2, West, in Jefferson County, Alabama, described as follows: Commence at or near the southeast corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ at the intersection thereof with the Montevallo road and extend thence west along or near the Southern boundary line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the western boundary line (or to a projection thereof to the South) of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ aforesaid.

This the 14th day of June, 1923.

I. F. Young.
A. B. Harris.

State of Alabama, }
Jefferson County. }

On this 18th day of July, 1923, personally appeared before me, Wm. M. Spencer, Jr., a Notary Public in and for the county and state aforesaid, J. Walter Webb, who being duly sworn according to law, declares that he is the Advertising Director of the Birmingham Age-Herald, a newspaper published in the City of Birmingham in the County of Jefferson, State of Alabama, and that the advertisement of I. F. Young and A. B. Harris, concerning the vacation and abandonment of a certain road a true copy of this is herewith attached, appeared in the Birmingham Age-Herald on the following dates: June 14th, 21st, 28th, and July 5th, 1923.

J. Walter Webb.

Sworn and subscribed to before me, this 18th day of July, 1923.
(Seal)

Wm. M. Spencer, Jr.,
Notary Public.

By Mr. Lewis Bowen (with notice and proof) :

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the Town of Brighton, Alabama;" approved September 29, 1919.

Local Legislation.

Notice and proof H. 517:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of the State of Alabama at its adjourned session to convene on Tuesday, the 10th day of July, 1923, for the passage of a bill and the enactment of a law in substance as follows:

An Act to repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the town of Brighton, Alabama." Approved September 29, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That that certain act entitled "An Act to alter, extend or rearrange the corporate limits of the Town of Brighton, Alabama." Approved September 29, 1919, be and the same is hereby repealed.

John T. Glover.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who, being duly sworn, deposes and says that he is Editor and Manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; that the advertisement

notice attached hereto, was published in the Labor Advocate without cost to the State of Alabama on the following dates: June 23-30, 1923; July 7-14, 1923.

Sworn to and subscribed before me, this 14th day of July, 1923.
(Seal) J. H. F. Mosley,
Mary Mosley,
Notary Public.

By Mr. L. K. Bowen:

H. 518. To establish a State Secondary Agricultural School for the Ninth (9th) Congressional District of Alabama; to provide for the erection and maintenance thereof, and to specify the location.

Ways, Means and Appropriations.

By Mr. Smith of Lee:

H. 519. To amend an Act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

Corporations.

By Mr. Grove:

H. 520. To make it the duty of the Clerk of the Circuit Court to file and record in his office certain papers in proceedings for the writ of habeas corpus, when such proceedings are before a Judge of the Circuit Court and are heard in the county of such clerk, and to prescribe his fees therefor.

Judiciary.

By Mr. Grove:

H. 521. To provide that in all Counties having a population of not less than 80,000 nor more than 150,000 and where the salaries of the circuit solicitor, assistant or deputy solicitor, or county solicitor, is paid in part or in full by the said county, that all solicitor's fees which are taxed and collected in criminal cases as a part of the cost of such prosecutions shall be paid into the county treasury for the benefit of the county wherein such criminal prosecution has been had and where such fees are taxed and not paid, then the county shall not pay the State therefor.

Judiciary.

By Mr. Grove:

H. 522. To provide for the assessment and payment of costs in circuit courts in prosecutions by municipalities for violations of municipal ordinances in those cases in which a nol. pros. is entered, in cases where defendants are acquitted, and in cases where there is a conviction but costs are not collected from the defendant, and to prescribe the duties of the clerks of circuit courts relative to prosecutions by municipalities for violations of municipal ordinances."

Judiciary.

By Mr. Holcombe:

H. 523. To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agency; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this act.

Rivers and Harbors.

By Mr. Kilborn:

H. 524. To amend Sections 2692, 2697, 2698, 2699 and 2700 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Kilborn:

H. 525. To fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine Judges, or in circuits which may hereafter be composed of only one county, having more than two Judges and less than nine Judges, and to provide that a portion of said compensation be paid out of the County Treasuries of the Counties constituting the respective Circuits.

Revision of Laws.

By Mr. Goodwyn:

H. 526. To provide for the printing and binding of additional copies of the acts and joint resolutions of the Legislature, and payment therefor.

Public Printing.

By Mr. Goodwyn:

H. 527. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities, and payments or contributions required to be made to firemen's pension or relief funds.

Banking and Insurance.

By Mr. Embry (with notice and proof):

H. 528. To change the line between Blount County and St. Clair County, Alabama in the following particular so as to read as follows: Beginning where the present map line crosses the land line near the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section Eight (8), Township Thirteen (13), Range Three (3) East, thence South along the land line to the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section Seventeen (17), Township Thirteen (13), Range Three (3) East, thence Southwest to the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section Twenty (20), Township Thirteen (13), Range Three (3) East, thence South along the land line to the intersection of the marked line dividing said counties.

Local Legislation.

Notice and proof H. 528:

NOTICE.

State of Alabama,
Blount County.

To whom it may concern:

Please take notice that the Legislature of Alabama, when the same convenes in July, will be petitioned to pass an act changing the line between Blount County, Alabama and St. Clair County, Alabama, in substance as follows:

Beginning where the present map line crosses the land line near the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section Eight (8), Township Thirteen (13), Range Three (3) East, thence South along the land line to the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section Seventeen (17), Township Thirteen (13), Range Three (3) East, thence Southwest to the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section Twenty (20), Township Thirteen (13), Range Three (3) East, thence South along the land line to the intersection of the marked line dividing said counties, and to repeal all laws and parts of laws, in conflict with said act.

State of Alabama, }
St. Clair County. }

Before the undersigned authority personally appeared B. B. Cather, who being first duly sworn doth depose and state, that he is the owner

and publisher of the Southern Aegis, a newspaper published in Ashville, St. Clair County, Alabama; that the copy of the attached notice was published in said paper on the following dates: May 31st, June 7th, June 14th, and June 21st, 1923.

B. B. Cather.

Sworn to and subscribed before me this the 23rd day of July, 1923.

Electra Prickett,

Notary Public.

By Mr. Embry:

H. 529. Defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and service thereof and proceedings for the violation of the provisions of the act and penalties for said violations.

Public Roads and Highways.

By Mr. Fanning of Walker (By request; with notice and proof):

H. 530. To amend Sec. 12 of the Blount County Road Law, which is an Act entitled "An Act to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Blount County, Alabama; to define the duties and powers of the Court of County Commissioners with regard to same, and to fix penalties for the violation of the rules, regulations and laws of the Court of County Commissioners," and approved February 18, 1919.

Local Legislation.

Notice and proof H. 530:

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced in the Legislature to amend Section 12 of the Blount County Road Law to read as follows:

Section 12. The Court of County Commissioners may accept a money compensation, to be fixed by them, not to be less than six dollars per capita nor more than twelve dollars per capita per annum. That all persons in Blount County subject to road duty shall be required to work on the public roads of the county not less than eight nor more than ten days per annum or pay in lieu thereof as above stated and set out. The Court of County Commissioners of Blount County, Alabama, shall have power to provide for the time of payment of money paid in lieu of work due on the public roads of said county. Said money to be expended under the supervision of the commissioners court and the road superintendent.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice for proposed legislation relating to Blount County Road Law was published for three consecutive weeks in said newspaper, com-

mening on the 4th day of January, 1923 and ending on the 18th day of January, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 18th day of July, 1923.

J. C. Nation,
Judge of Probate.

By Mr. Powell (By request; with notice and proof):

H. 531. To alter, change and re-arrange the boundaries of the Town of Townley, in Walker County, Alabama.

Local Legislation.

Notice and proof H. 531:

NOTICE.

Notice is hereby given that a bill containing substantially the following provisions will be introduced in the Legislature which re-convenes in July, 1923.

W. R. Boshell.

An Act to alter, change and re-arrange the boundaries of the Town of Townley, in Walker County, Alabama.

Be it enacted by the Legislature of Alabama:

1. That the corporate limits of the Town of Townley, Walker County, Alabama, shall embrace and include all the territory within the following boundaries, and none other, to-wit: Beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of Section Thirteen, Township Fourteen, South, Range Nine, West, in Walker County, Alabama, thence East along the quarter-section line Four Hundred Seven (407) feet, thence South twenty-five degrees and thirty minutes East Two Hundred Twenty-Four (224) feet, thence South sixty-four degrees and thirty minutes West, Four Hundred Sixty-One (461) feet, thence South twenty-five degrees and thirty minutes East, Eighty (80) feet, thence South sixty-four degrees and thirty minutes West, One Hundred Forty-Eight (148) feet, thence South twenty-five degrees and thirty minutes East, One Hundred Forty-Three (143) feet, thence North sixty-four degrees and thirty minutes East, Two Hundred Seventy-Eight (278) feet, thence South twenty-five degrees and thirty minutes East, Six Hundred Fifty-Four (654) feet, thence South sixty-four degrees and thirty minutes West, One Hundred Fifty-Three (153) feet, thence South twenty-five degrees and thirty minutes East, Four Hundred Twenty-Six (426) feet, thence South sixty-four degrees and thirty minutes West, One Hundred Twenty (120) feet, thence South twenty-five degrees and thirty minutes, One Hundred Twenty (120) feet, thence North sixty-four degrees and thirty minutes East, Two Hundred Forty (240) feet, thence South twenty-five degrees and thirty minutes East, One Hundred Seventy-Two (172) feet, thence South seventy-eight degrees and thirty-two minutes West, Six Hundred Two and Two-Tenths (602.2) feet, to the half section line, thence South six degrees and twenty-one minutes West, Three Hundred Ninety-Two and Six-Tenths (392.6) feet, thence South sixty-one degrees and thirty-eight minutes West, Three Hundred Fifty (350) feet, to the North side of Public road, thence South sixty-four degrees and thirty minutes West, Six Hundred Sixty-Five (665) feet, to the West line of Northeast quarter of the Southwest quarter of said Section Thirteen, Township Fourteen, South, Range Nine, West, thence north and along said quarter-section line to the Northwest corner of the Southeast quarter of the Northwest quarter of said Section, thence East along said line to place of beginning.

2. That no other territory or lands than those embraced with the limits as described in the first section hereof shall be embraced within the corporate limits of the said Town of Townley, Walker County, Alabama.

3. That all laws and parts of laws in conflict with the provisions hereof shall be and the same are hereby repealed.

4. That this act shall become effective upon its approval by the Governor.

W. R. Boshell.

State of Alabama, }
Walker County. }

Before me, a notary public in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, deposes and says that he is Publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, June 13th, 20th, 27th, and July 4th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me this 7th day of July, 1923.

(Seal)

W. E. Barrett,
Notary Public.

By Mr. Embry:

H. 532. To amend section ten of an act approved April 18th, 1911, entitled: "An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from the office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish Boards of Public Works, Police Commissioners, Councilmen, Aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," as amended by an Act approved September 28th, 1915.

Municipal Organization.

By Mr. Sessions:

H. 533. A bill entitled an Act to propose an amendment to the Constitution of Alabama, authorizing the levy of taxes to pay the principal and interest of bonds of the State of Alabama and of counties, cities, towns, and other municipal corporations and political subdivisions and taxing districts therein.

Be it enacted by the Legislature of Alabama:

Section 1. Whereas the natural resources and wealth of Alabama, the thrift, energy and integrity of its citizens and the high standard of administration attained by its counties, cities

and other political subdivisions and districts, entitle this State and its subdivisions to credit at the lowest current rates of interest and on the most favorable terms, but unnecessary restrictions on the rate of taxation to repay moneys loaned for necessary improvements have affected the marketability of municipal and public securities, increased the rate of interest thereon, and augmented the tax burdens of the people, and the interests of the State and its political subdivisions require that these restrictions be removed to the end that taxation may be reduced, credit established beyond question and payment on the due date of all public securities be made certain and indubitable:

Now therefore the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present regular session of the Legislature, at which this amendment is proposed. The proposed amendment is to add a new section or clause reading as follows:

Article XI, Section 216A. Limitations upon the rate of taxation shall not apply to taxes levied by the State of Alabama, or its counties, cities, towns, municipal corporations, political subdivisions or taxing districts to pay any bonds issued or to be issued and it shall be the duty of the State, county, city, town, municipal corporation, political subdivision or taxing district which has issued or may issue such bonds, to levy, in addition to all other taxes authorized by this Constitution, a tax upon all taxable property in the State or in the county, city, town, municipal corporation, political subdivision or taxing district issuing the bonds, sufficient to pay the interest as the same becomes due and the principal thereof at maturity, according to the tenor of such bonds. A sufficient sinking fund shall be created for the payment at maturity of the principal of all bonds which are not payable in annual installments. The Legislature may provide that bonds shall be paid out of a fund or funds or revenues created otherwise than by property taxation, but if such bonds, according to their tenor, be not payable solely from such special funds or revenues, a tax on all the taxable property of the county issuing the bonds shall be levied sufficient to make good any deficiency in the special fund or revenue. This section shall be self-operative and shall, without any additional legislation, apply to all bonds heretofore authorized by this constitution, or any amendment thereto or by any statute or proceeding as well as to all bonds hereafter to be issued.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by a procla-

mation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight consecutive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Section 216A of Article XX of the Constitution of Alabama?"

Section 216A. Limitations upon the rate of taxation shall not apply to taxes levied by the State of Alabama, or its counties, cities, towns, municipal corporations, political subdivisions or taxing districts to pay any bonds issued or to be issued and it shall be the duty of the State, county, city, town, municipal corporation, political subdivision or taxing district which has issued or may issue such bonds, to levy, in addition to all other taxes authorized by this Constitution, a tax upon all taxable property in the State or in the county, city, town, municipal corporation, political subdivision or taxing district issuing the bonds, sufficient to pay the interest as the same becomes due and the principal thereof at maturity, according to the tenor of such bonds. A sufficient sinking fund shall be created for the payment at maturity of the principal of all bonds which are not payable in annual installments. The Legislature may provide that bonds shall be paid out of a fund or funds or revenues created otherwise than by property taxation, but if such bonds, according to their tenor, be not payable solely from such special funds or revenues, a tax on all the taxable property of the body issuing the bonds shall be levied sufficient to make good any deficiency in the special fund or revenue. This Section shall be self-operative and shall, without any additional legislation, apply to all bonds heretofore authorized by this constitution, or any amendment thereto or by any statute or proceeding as well as to all bonds hereafter to be issued.

"YES

"NO"

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this

act, the law governing general elections, and the constitutional provisions concerning amendments to the constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill was read one time at length and referred to the Standing Committee on Municipal Organization.

BILL ON SECOND READING.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 368. To amend Section 5 of an Act entitled "An Act to further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

The above and foregoing bill was read a second time and placed on the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills and joint resolutions with original bills and resolutions respectively, and find same correctly enrolled, to-wit:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Also:

H. J. R. 67. Resolved by the House, the Senate concurring, that it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

Also:

H. J. R. 72. Relative to removal of Mrs. L. R. Maugans as Postmistress at Eufaula, Alabama, because of letter containing remarks insulting to the Southern people.

Also:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last federal census or any subsequent federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Also:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson coun-

ty, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65) and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Also:

H. J. R. 13. Creating a Recess Agricultural Committee.

Also:

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Also:

H. J. R. 78. Appointing a committee relative to the address of Senator Oscar W. Underwood to the Legislature in Joint Session, July 31, 1923.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolutions, the titles to which are set out in the above and foregoing report of the Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Luck, the House concurred in and adopted the Senate amendment to the bill

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Said Senate amendment being as follows:

Amend Section 1 by striking out word "as" in the 6th line and substituting in lieu thereof the word "with."

Yeas, 74; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hornsby	Pickens
Adams	Fanning	Howard	Poole
Adcock	Ferrell	Howze	Posey
Allen	Fite	Jeter	St. John
Arrington	Forman	Jones	Sessions
Ashcraft (Fayette)	Gaines	Kilborn	Smith (Clay)
Ashcraft (Lauderdl.)	Glenn	Letson	Sollie
Bealle	Glover	Long	Stewart (Calhoun)
Bowen, Lewis	Goode	Love	Thompson (Etowah)
Bowen, L. K.	Goodwyn	Luck	Thompson (Jackson)
Burns	Graves	McGowen	Tiller
Burton	Grove	Melton	Tyson
Byars	Guy	Moorer	Verner
Cato	Hall	Moxley	Wall
Cook	Hatter	Nichols	Walton
Deloney	Henley	Norman	Ware
Dickinson	Henson	Odom	Mrs. Wilkins
Dowdle	Hodgson	Parker	Williams
Elliot	Holcombe		

—74

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent forthwith to the House without engrossment:

By Mr. Teasley:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate; and to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of

courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

Also:

By Mr. Ellis:

S. 200. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one-mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural schoolhouses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libra-

ries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to pre-

scribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Law-breakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Also:

By Mr. Brower:

S. 218. To amend section 1 of article 1, and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one-mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define

their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among miners, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to pro-

vide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports, to provide penalties for the violation of the provisions of this Act and to pro-

vide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Also:

By Mr. Craft:

S. 211. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

At the adjourned session of the Legislature of the State of Alabama, to be held in the city of Montgomery, Alabama, commencing on July 10, 1923, the following bill will be presented:

An Act to authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light & Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Be it enacted by the Legislature of Alabama:

1. That the commissioners of the city of Mobile be, and they are hereby authorized to, from time to time, contract with the Mobile Light & Railroad Company as to just what portions of the streets of the city of Mobile shall be, and what shall not be, paved by, or at the expense of the Mobile Light & Railroad Company, and just how, where, and of what material such pavement shall be done, repaired or renewed, which contractual provisions shall supersede any and all requirements of the Mobile Light & Railroad Company already provided as to such pavement, whether contained in its franchise or charter or imposed by any general or special statute, provided, however, that nothing herein shall in anywise affect the obligations of the Mobile Light & Railroad Company in the matter of pavement of streets of the city of Mobile, as already provided, except where such changes are provided for by such contracts.

2. That all laws or parts of laws, general, local, or special in conflict herewith, be, and the same are, to the extent of such conflict, hereby repealed.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and county, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is auditor of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of bill to be presented to Legislature appeared in the issues of said newspaper of June 19-26, July 3-10, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 12th day of July, 1923.

(Seal) Nettie Chandler,
Notary Public Mobile County, Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committee as follows:

Local Legislation, S. 225, S. 211.

Education, S. 200, S. 218.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Oliver:

S. 192. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.

Also:

By Mr. Craft:

S. 210. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than Eighty Thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal Census or any succeeding Federal Census, to pay pensions of aged and indigent teachers out of the school fund of said counties.

Also:

By Mr. Craft:

S. 209. To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy.

Also:

By Mr. Inzer:

S. 190. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Also:

By Mr. Hutson:

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

Also:

By Mr. Brooks:

S. 179. To provide for the rendition of declaratory judgments and decrees.

Also:

By Mr. Brooks:

S. 177. To further regulate the procedure in the circuit courts with respect to motions to set aside judgments or decrees and for new trials.

Also:

By Mr. Foster:

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved Sept. 29, 1919.

Also:

By Mr. Inzer:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this act; and repealing all laws or parts of law in conflict herewith.

Also:

By Mr. Brower:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their power, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

Also:

By Mr. Craft:

S. 206. To amend Section 1 of an Act entitled an Act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State

having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Also:

By Mr. Martin (By request):

S. 184. To alter or re-arrange the boundaries of the city of Dothan, Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to pass a bill, which shall be substantially as follows: A Bill

To be entitled an Act to alter or rearrange the boundaries of the city of Dothan, Houston county, Alabama:

Be it enacted by the Legislature of Alabama:

Section 1—That the boundaries of the city of Dothan, in the county of Houston, State of Alabama, be and the same are hereby altered or rearranged so as to include within the corporate limits of the city of Dothan all of the territory lying within the county of Houston included within the boundaries hereinafter set out, to-wit:

Beginning at the N. W. corner of the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, section 11, Tp. 3 N., R. 26 E.; thence running east along the land line on the N. side of the S. $\frac{1}{2}$ of S. $\frac{1}{2}$ of section 11, Tp. 3, N., R. 26 E., and the continuation of said land line to the northeast corner of the southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 7, Tp. 3, N., R. 27 E.; thence south along the section line between sections seven and eight in Tp. 3, N. R. 27 and the continuation of said section line to the southeast corner of the northeast $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 30, Tp. 3 N. R. 27 E.; thence west along the south land line of the N. $\frac{1}{2}$ of S. $\frac{1}{2}$, section 30, Tp. 3 N. R. 27 E., and the continuation of said land line to the northeast corner of the southeast $\frac{1}{4}$ of southwest $\frac{1}{4}$, section 25, Tp. 3, N. R. 26 E.; thence south along the land line of the east side of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, section 25, Tp. 3, N. R. 26 E., to the southeast corner of said forty; thence west along the section line between section 25 and 36, Tp. 3, R. 26, to the northeast corner of the N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, section 36, Tp. 3, R. 26; thence south along the east boundary line of said forty to the southeast corner of said forty; thence west along the land line on the south side of the N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, section 36, to the southwest corner of the northwest $\frac{1}{4}$ of northwest $\frac{1}{4}$, section 36, Tp. 3 N. R. 26 E., thence north along the section line between sections 35 and 36 in Tp. 3 N. R. 26 E., to the northwest corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$, section 25, Tp. 3, N. R. 26 E.; thence west along the south boundary line of the north $\frac{1}{2}$ of south $\frac{1}{2}$, section 26, Tp. 3 N. R. 26 E., to the southwest corner of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$, section 26, Tp. 3 N. R. 26 E.; thence north along the section line between sections 26 and 27, Tp. 3, N. R. 26 E., and the continuation of said line to the southeast corner of the northeast $\frac{1}{4}$ of northeast $\frac{1}{4}$, section 22, Tp. 3 N. R. 26; thence west along south line of the north $\frac{1}{2}$ of northeast $\frac{1}{4}$, section 22, Tp. 3 N. R. 26 E.; to the southwest corner of the northwest $\frac{1}{4}$ of northeast $\frac{1}{4}$ of section 22, Tp. 3 N. R. 26 E.; thence north along the west boundary line of the northwest $\frac{1}{4}$ of northeast $\frac{1}{4}$, section 22, Tp. 3 N. R. 26 E. and the continuation of said land line to the northwest corner of southwest $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 15, Tp. 3 N. R. 26 E.; thence east along the north boundary line of the south $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of section 15, Tp. 3, N. R. 26, E., to the northeast corner of the southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 15, Tp. 3 N. R. 26 E.; thence north along the section lines

between sections 14 and 15 and 10 and 11, Tp. 3 N. R. 26 E. to the starting point.

Section 2. That the corporate limits of said city of Dothan shall hereafter embrace and include the territory described in section 1 hereof.

W. E. Cannady.

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public, in and for said county in said State, personally appeared W. T. Hall, who being by me duly sworn, deposes and says: that he is editor and proprietor of the Dothan Eagle, a newspaper published at Dothan, in Houston county, Alabama, and has personal knowledge of the facts stated herein and knows the same to be true; that the foregoing notice hereto attached was published in the Dothan Eagle for four consecutive weeks prior to the date hereof, without cost to the State of Alabama; that said notice was published in said newspaper on the following dates towit: June 1st, 1923, June 8, 1923, June 15, 1923 and June 22, 1923.

W. T. Hall,

Editor and Proprietor of the Dothan Eagle.

Sworn to and subscribed before me this the 23d day of June, 1923.

(Seal)

W. C. Batchelor,
Notary Public.
J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Public Roads and Highways, S. 192.

Education, S. 210, S. 190.

Judiciary, S. 209, S. 179, S. 206.

County and County Boundaries, S. 186.

Revision of Laws, S. 177.

Public Health, S. 113.

Municipal Organization, S. 173, S. 184.

Penitentiary and Criminal Administration, S. 191.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Delivered to Governor July 24th, 1923, 2:50 P. M.

Also:

H. J. R. 67. Resolved by the House, the Senate concurring, that it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

Delivered to Governor July 24th, 1923, 2:50 P. M.

Also:

H. J. R. 72. Relative to removal of Mrs. L. R. Maugans as Postmistress at Eufaula, Alabama, because of letter containing remarks insulting to the Southern people.

Delivered to Governor July 24th, 1923, 2:50 P. M.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Delivered to the Governor July 24th, 1923, 2:50 P. M.

Also:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of rev-

enue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue, and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Delivered to the Governor July 24th, 1923, 2:50 P. M.

Also:

H. J. R. 13. Creating a Recess Agricultural Committee.

Delivered to the Governor July 24th, 1923, 2:50 P. M.

Also:

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Delivered to the Governor July 24th, 1923, 2:50 P. M.

Also:

H. J. R. 78. Appointing a committee relative to the address of Senator Oscar W. Underwood to the Legislature in Joint Session July 31, 1923.

Delivered to the Governor July 24th, 1923, 2:50 P. M.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 236. To repeal an act entitled "An act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Also:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution and sends same herewith to the House:

By Mr. Garth:

S. J. R. 101. Resolved by the Senate, the House of Representatives concurring, That United States Senator Dial, of South Carolina, and the Honorable Angus McLean, of North Carolina, are hereby invited to address a joint session of the Legislature of Alabama at the hour of 3 o'clock P. M. on Thursday, July 26, 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted S. J. R. No. 101.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Brower:

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers, distributors or dealers, to any of its customers in this State of any rebate or special price or furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroying the business of a competitor, or creating a monopoly and to make it unlawful for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this Act.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 195.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 6. To provide for the election of a county superintendent of Education for Coffee County, Alabama, to fix his term of

office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

Also:

H. 13. To provide for the residence of persons who are elected as members of the County Board of Education of Escambia County, and to designate or create the district in which each member of said Board shall reside, and from which they shall be elected.

Also:

H. 149. Empowering the Clerk of the Circuit Court of the County of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the Judge of the County Court.

Also:

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Coffee county, Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Joint Resolution:

By Mr. Waddell:

S. J. R. 102. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they reconvene on Thursday, July 26th.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. No. 102, which is set out in the above and foregoing message from the Senate.

SPECIAL ORDER.

The House proceeded to the consideration of the Special Order, which was the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

The question was upon the adoption of the amendment reported by the Committee of the Whole House, said Committee of the Whole House amendment being as follows:

COMMITTEE OF WHOLE AMENDMENTS TO HOUSE BILL NO. 294.

Amend Section 2 of the House Bill 294 by inserting immediately after the words "for schools," and immediately before the words "or for purposes purely charitable" in line 13 of page 2 of the printed copy of said bill the words: "including text books in the hands of any school book depository or its agents."

Amend Section 2 of the House Bill 294, page 3, line 23, as follows:

(k). All property both real and personal owned by any unit or organization of the Alabama National Guard, officially recognized as such by the Federal Government and organized and maintained by the State, and all property owned by others and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama National Guard, the annual rent or hire of which is not in excess of the annual State, county and municipal taxes on said property shall be and is hereby exempted from taxation by the State, and the county and municipality in which the same may be situated.

Amend Section 2. Strike out word "poultry" in line 12, page 3.

To amend House Bill 294. That sub-section (I) line 19, Section 2, page 3 of said bill shall be stricken out.

Amend Section 2, subdivision "H" by inserting after the word "stock" in line 19 the word "kennel."

Amend Section 2, page 3, by adding thereto at the end thereof:

G-1. All poultry raised or kept by any person and of value not more than \$100.00."

Amend House Bill 294 by adding Section 61½ thereto as follows:

"Section 61½. When any incorporated bank has one or more branches, the president or managing officer, in making out the statement required in the preceding section, shall in addition thereto furnish the tax assessor with a statement of the different locations of the branches of said bank and the names of the counties and towns where situated. Any incorporated bank having one or more branches shall pay taxes on the real estate and improvements thereon, in the county, city or town, where such real estate, furniture and fixtures are situated. The total value of the shares of such bank for State, county, school district and municipal taxation shall be as fixed and determined by the proper legal authorities in the county of its principal place of business and when the total value of such shares has been so determined it shall be the duty of the tax assessor of said county to certify to the tax assessor of each county wherein a branch is located the assessed value of the shares of such bank to be as-

sessed for taxation in each place where such branch is located, but the amount of such assessment shall be ascertained by dividing the total value of such shares by the total number of places where said bank does business or maintains branches, it being the true intent and purpose of this section, that in each county, and in each school district and in each municipality where a branch bank is located, the real estate and improvements thereon and furniture and fixtures located therein and an equal proportion of said shares based upon the whole number of places where said bank does business shall be assessed therein and taxes collected therein on such property and proportion of shares."

Amend Section 8 by inserting after word "association," line 20 the following: "And building and loan Associations."

Amend Section 8 by adding after the word corporation where it appears first in line 24 on page 6 the following:

"In estimating the capital or capital stock of a manufacturer or corporation for the purpose of taxing the same, there shall be included the items of property, owned by the manufacturer or corporation, which are specially exempted from ad valorem taxation in Section 2 of this Act, together with all other property owned by them or it during the tax year for which the taxes are levied; but where the volume or values of such property vary at different times during such tax year, the average volume and value thereof shall be determined, and this average value shall constitute the basis of value upon which to predicate the taxation thereof."

Amend Section 12 by inserting the word "domestic" before the word "corporation" in line 20 on page 9.

Further amend Section 12 by adding the following on line 3, on page 10: "The president or any executive officer or the secretary of every foreign corporation subject to the franchise tax under this act shall make a written statement under oath to the State Tax Commission showing the following facts:

First. The date and place of incorporation, and the date such corporation qualified to do business in this State. Second. The total amount of its capital employed in this State. 3. A brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties. 4. The amount of capital employed in this State which is secured by existing mortgages on real estate in this State, upon which mortgages there shall have been paid the recording privilege tax provided by law. 5. Such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due.

Amend Section 19 of House Bill 294 by striking out the words "or any," where they occur in the following places in said section, viz:

1. Immediately following the word "corporation" and immediately preceding the word "copies," same being in the 19th line on page 12 of the printed copy of the bill, and

2. Immediately following the word "documents" and immediately preceding the word "copies" same being in the 24th line on page 12 of the printed copy of said bill, and by inserting in lieu of said stricken words in each place where stricken, the words "except reports, records of or"

Amend Section 36 by striking therefrom the words where they appear in lines 13 and 14, page 20, "But failure to give or receive the notices required in this section shall not invalidate such assessment."

Amend Section 39 on page 21 by substituting the word "session" for the word "term" in line 21 on page 21.

Amend Section 36 House Bill 294 by striking out that part of line 18, page 20 after word "State Auditor" and also by striking out lines 19, 20 and 21, page 20 of said Section 36.

Amend Section 45 House Bill 294 by adding after the word collector on lines 12 and 13, page 24, the following: And the description of all real property and name of party to whom assessed.

Amend Section 45, page 24, line 23, by striking out the words "three hundred" and substituting therefor, two hundred and fifty.

Amend Section 47 House Bill 294, page 25, by striking the words beginning on line 15 as follows: "the amount certified by the State Tax Commission as due" and insert in lieu thereof as follows: "a reasonable compensation by the court of county commissioners or board of revenue."

Amend Section 50 by inserting therein, after word "purpose" where the same appears in line 16, page 26, the following:

In case, and only in case, it shall in the opinion of the State Tax Commission be necessary for one of its members or its representatives to appear in any county, to sit with and act as a member of the Board of Review therein.

Amend Section 50, line 15 by striking the words "and a member or representative of the State Tax Commission."

Amend Section 51 on page 27, at the end thereof by adding the words: "not in conflict with the provisions hereof."

Amend Section 53 House Bill 294, line 15 on page 27 by striking out the words "and representative of the State Tax Commission."

Amend Section 55 House Bill 294 by adding on line 16, page 28 between the word by and mail the word Registered.

Amend Section 65 of House Bill 294 to read as follows:

Section 65. The Chairman of the State Tax Commission shall receive a salary of Four Thousand Dollars (\$4000.00) per annum and the Associate members of the State Tax Commission shall receive each a salary of three thousand six hundred dollars (\$3600.00) per annum for the time they actually hold office, said salaries to be paid out of the appropriation provided for in Section 66 of this act.

Amend Section 66 of House Bill No. 294 so as to read as follows:

Section 66. The State Tax Commission may appoint a secretary at a salary of not more than two thousand four hundred dollars (\$2400) per annum, said salary shall be paid out of the appropriation provided for in this section of this act.

The State Tax Commission may employ such other persons as engineers, stenographers, clerks or assistants as may be necessary for the performance of the duties required of said commission, said commission shall fix the compensation of such persons with the approval of the Governor. Said salaries to be paid out of the appropriation provided for in this section of this act, with the approval of the Governor.

There is hereby appropriated out of the general fund of the treasury the sum of Seventy-five thousand dollars (\$75,000.00) or so much thereof as may be necessary, for the purpose of paying all expenses which the State Tax Commission is authorized to incur under this act.

Amend Section 74, page 42 by adding the following: Providing, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section.

Amend Section 77 by adding thereto the following: Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section.

Amend Section 79 by adding thereto the following: Provided that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not pay the intangible tax nor make the statement provided for herein.

Amend House Bill No. 294 by striking therefrom Sections 83, 84, 85, 86 and 87.

Amend House Bill 294 by adding Section 83 as follows:

Section 83. That the proceeds of the excise tax on gasoline or other liquid motor fuels in this State prescribed by an act of the Legislature of Alabama, entitled, An Act "imposing an excise tax on persons, corporations, co-partnerships, companies or associations engaged in the business of selling, or distributing

gasoline, or other liquid motor fuels in this State, providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," approved February 10th, 1923, shall from and after the first day of October, 1923, next after the passage of this act be divided and distributed equally among the sixty-seven counties of this State to be collected and paid to each of the several counties as provided by the provisions of said Act.

Amend House Bill 294 by adding Section 84 as follows:

Section 84. In all counties where county officials are paid on a salary instead of a fee basis, all fees allowed under the terms of this act to be paid to or collected by county officials, shall, by said officials be paid into the county treasury, or to such official performing the duties of county treasurer, except as provided in amendment to Section 197 of General Acts, 1919, approved November 1st, 1921.

Amend House Bill 294 by adding thereto the following section:

Section 85. Wherever the terms "County Commissioners," "Court of County Commissioners" or "Boards of Revenue" are used in this act they shall be meant to include "Boards of Road and Revenue Commissioners."

And the amendment reported by the Committee of the Whole House was adopted.

Yeas, 80; nays, 6.

Yeas:

Messrs:

Adams
Adcock
Arrington
Ashcraft (Fayette)
Ashcraft (Lauderdl.)
Blackwell
Bowen, Lewis
Bowen, L. K.
Boykin
Burns
Burton
Byars
Christian
Coleman
Cook
Deloney
Dickinson
Dowdle
Fanning
Ferrell

Forman
Gaines
Glenn
Glover
Goode
Goodwyn
Graves
Guy
Hall
Hampton
Hatter
Henley
Henson
Hodgson
Howard
Howze
Jeter
Kilborn
Kilpatrick
Lee

LeMaistre
Letson
Long
Love
Luck
McGowen
Mooneyham
Moorer
Moxley
Nichols
Norman
Odom
Parker
Patterson
Pickens
Poole
Posey
Ringer
Rountree
Rutherford

Sanders (Conecuh)
Sanders (Pike)
Sessions
Smith (Clay)
Sollie
Stewart (Bibb)
Stewart (Calhoun)
Thompson (Etowah)
Thompson (Jackson)
Tiller
Tunstall
Varner
Verner
Walker
Wall
Ware
Mrs. Wilkins
Williams
Wyatt
Young

Nays:

Messrs:

Mr. Speaker
Bealle

Fite
Grove

Smith (Lee)

Snodgrass

—6

Mr. Ware offered the following amendment to the bill:

Amend House Bill No. 294 by striking out Section 50 thereof, and substituting therefor Section 50 as follows:

Section 50. The members of the courts of county commissioners or boards of revenue, other than the judge of probate, of the several counties of the State, together with the Tax Assessor of such counties are hereby constituted a Board of Review, whose duty it shall be to inspect, review, revise and fix the value of all the property returned to or listed with the Tax Assessor for taxation each year; and it shall be the duty of the Tax Assessor of the several counties to act as Secretary of such boards, provided, however, nothing in this Act shall be construed to require the Tax Assessor or Boards of Review to value any property required by law to be assessed for taxation by the State Tax Commission. The majority of the Board of Review shall constitute a quorum of such Board for the performance of the duties required herein; provided, that if at any time the State Tax Commission shall have just cause to believe, or shall learn, or shall have reasonably satisfactory evidence, that in any county the taxes or any portion thereof in such county have not been fairly or equally assessed according to the purpose and intent of this Act, then in such event, and only in such event, the Commission, or any member thereof, are authorized to go or to send their agent or representative into such county with authority in conjunction with its Board of Review, and acting for the State Tax Commission, to so re-assess all or any portion of the taxes in such county, as the case may require, as to effect and secure fairness and equality of tax assessment in such county and between and among all the counties.

And the amendment was adopted.

Yeas, 88; nays, 0.

Yeas:

Messrs:

Mr. Speaker
Adams
Adcock
Arrington
Ashcraft (Fayette)
Ashcraft (Lauderdale)
Bealle
Blackwell
Bowen, L. K.
Boykin
Burns

Burton
Byars
Cato
Christian
Coleman
Cook
Deloney
Dickinson
Dowdle
Dunwoody
Elliot

Fanning
Ferrell
Fite
Forman
Gaines
Glenn
Glover
Goode
Graves
Grove
Guy

Hall
Hampton
Hatter
Henley
Henson
Hodgson
Howze
Hubbard
Jeter
Jones
Kilborn

Lee	Nichols	Sanders (Conecuh)	Tiller
LeMaistre	Norman	Sanders (Pike)	Tunstall
Letson	Odom	Sessions	Tyson
Long	Parker	Smith (Clay)	Verner
Love	Patterson	Smith (Lee)	Walker
Luck	Poole	Snodgrass	Wall
McDaniel	Powell	Sollie	Ware
McGowen	Ringer	Stewart (Bibb)	Mrs. Wilkins
Melton	Rountree	Stewart (Calhoun)	Williams
Mooneyham	Rutherford	Thompson (Etowah)	Wyatt
Moorer	St. John	Thompson (Jackson)	Young

—88

And the bill,

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

As amended, was read a third time at length and passed.

Yeas, 75; nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Jones	Sessions
Adams	Embry	Kilborn	Smith (Clay)
Ashcraft (Fayette)	Fanning	Kilpatrick	Stewart (Bibb)
Ashcraft (Lauder ^d l)	Fite	Letson	Stewart (Calhoun)
Bealle	Forman	Long	Thompson (Etowah)
Blackwell	Gaines	Love	Thompson (Jackson)
Bowen, L. K.	Glenn	McDaniel	Tiller
Boykin	Glover	McGowen	Tunstall
Burns	Goode	Nichols	Tyson
Burton	Goodwyn	Norman	Varner
Byars	Graves	Odom	Verner
Calloway	Grove	Patterson	Walker
Cato	Hatter	Poole	Wall
Christian	Henson	Powell	Ware
Coleman	Hodgson	Ringer	Mrs. Wilkins
Cook	Holcombe	Rountree	Williams
Deloney	Howard	Rutherford	Wyatt
Dickinson	Hubbard	St. John	Young
Dowdle	Jeter	Sanders (Conecuh)	

—75

Nays: Mr. Snodgrass—1.

REPORTS CONCERNING FINANCIAL CONDITION OF THE STATE AND THE COST OF CONSTRUCTION OF CAMP KILBY.

Mr. Tunstall presented the following reports and on motion of Mr. Tunstall the same were ordered spread upon the Journal of the House:

Honorable William W. Brandon,
Governor, State of Alabama,
Montgomery.

Sir:

In accordance with instructions from the Executive Office, received through Hon. Chas. E. McCall, Chief Examiner of Accounts, I have made a study of the cost of construction of Kilby Prison and its auxiliary improvements and have the honor to submit the following report:

It was found to be an extremely difficult task to make what would be considered an accurate statement of actual cost of the project, taking into consideration the depletion of the State's property by reason of the

removal of raw material therefrom. It seemed to be considered of little importance to keep an accurate record of the raw material (timber and sand and gravel) taken from the property since it represented only a transfer of investment from the amount paid for the land originally to the new investment in the new prison property. However there is no doubt but that the removal of this material has depleted the State's investment in the land to the extent of a reasonable market value, and that this amount should be represented in the cost of the new prison. Because of a lack of accurate records as to the use of this raw material it has been necessary in this investigation to estimate a great many quantities on the basis of the specifications of the engineer. That it was the intention of the designing engineer that this raw material should be accounted for in the construction is evidenced by the fact that he incorporated in his contract that it should be done and that the average market price should prevail. However, it apparently became evident early in the construction period that it would not be necessary to include this material in order for the engineer to receive his maximum fee of \$26,000 and consequently a strict accounting of same was not insisted upon. However Hugger Brothers have been paid on their contracts their percentage for gravel and same used based on a forty cent per ton price, the same as was used in the adjustments made in this report.

OPERATION OF KILBY DAIRY.

While a report of this matter was not requested in my original instructions, Hon. L. A. Boyd, Chairman of the State Board of Convict Supervisors, requested a brief statement of the operation of the dairy to determine if it was making or losing money to the State. Realizing that at the time of its beginning to operate that matters were in more or less confusion it was thought that the records could not be depended upon to show accurately the true condition. It was found that there had not been an accurate accounting of the feed that was charged to the dairy, that sometimes there would be a shortage for the swine and mules and that feed would be transferred without proper credit being given, etc. The first statement, therefore given herein, covers the first four months of the current year, October 1 to January 31, 1923.

Cost of Operation:

Salary of Chief Herdsman.....	\$ 750.00
12 convicts at \$1.25 per day.....	1,800.00
Veterinary expense	273.32
Feedstuff	3,346.33
Miscellaneous Supplies.....	859.72

Total\$7,029.37

Revenue:

Products sold for cash.....	\$2,476.43
Products fed prisoners.....	2,230.07

Total revenue\$4,706.50

Apparent loss for the four months.....\$2,322.87

It must be borne in mind that this system of accounting does not represent an accurate statement since it does not represent the actual amount of feedstuff consumed but the amount charged out during the period.

It was found upon investigation that beginning with February 1, an inventory was made of all feed on hand and that an accurate record was kept for that month of all feed used and milk produced, therefore the rec-

ords were consulted and the following statement of operation for the month of February last is the result, and it will be noted that there is a marked improvement:

Cost of Operation:

Salary of Herdsman.....	\$ 187.50
12 convicts at \$1.25.....	385.00
Total labor and salary.....	\$ 572.50
Cost of Feedstuff:	
2 tons glutton feed @ \$53.....	\$ 106.00
600 lbs. Old Process feed @ \$70.60.....	21.08
2 tons cotton seed meal @ \$43.50.....	87.00
5 tons gr. oats @ \$41.....	205.00
4½ tons wheat bran @ \$32.25.....	145.13
4 tons corn chops @ \$43.....	172.00
25 tons silage @ \$8.00.....	200.00
Total cost of feedstuff	\$ 936.21
Total cost of operation.....	\$1,508.71
Revenue:	
Products sold	\$ 787.34
Products fed prisoners.....	489.80
Products fed calves.....	262.80
Total revenue	\$1,539.94
Excess in revenue.....	\$ 31.23

The above statement does not take into consideration interest on the investment which, at 5% per annum amounts to \$337.50 per month. The writer believes that with the addition of a sufficient number of producing grade cows to utilize the facilities provided in the investment a great improvement in the above statement would be made and the dairy would begin to show a small return on the investment, but is doubted if it could ever be made to produce five per cent on the investment. The only additional expenses incurred in the care of the additional cows would be one additional convict at \$37.50 per month and the additional feedstuff necessary.

In making up the figures representing the unpaid invoices, unfilled orders and anticipated additional cost of completion, the writer had to use his own judgment as to the distribution, therefore, it is probable that there will be a difference in the final result in the records of the accounting department on account of the fact that certain unpaid invoices which were found not distributed may finally be charged into some other account than that which is shown on the statements; however, the final total is believed to be approximately correct.

The \$10,000 improvement in water supply is to provide the proper underground system for the water supply within the prison and to carry fire protection to the groups of cottages to be erected for the free operatives of the cotton mill and auxiliaries. The present pipes laid were intended for temporary use only and does not afford adequate service or protection.

It is earnestly hoped that the information contained in this report may answer any question Your Excellency may have in mind, the writer having endeavored to present the statements in such form as to give such detailed information as might be desired.

Respectfully submitted,
(Signed) E. A. Henry,
Assistant Examiner of Accounts.

STATEMENT OF COST OF CONSTRUCTION OF KILBY PRISON, DAIRY BARN, OTHER AUXILIARY BUILDINGS AND NON-STRUCTURAL IMPROVEMENTS, INCLUDING UNPAID INVOICES, UN-FILLED ORDERS AND ESTIMATED EXPENDITURES TO COMPLETE PRESENT PROGRAM

	Warrants Issued to March 1	Unpaid Invoices	Unfilled Orders	Estimated Additional Expense	Total
Land:					
Total cost	\$ 95,252.99				
Less depletion, timber and gravel	19,854.17				
Total	\$ 75,398.82				\$ 75,398.82
Direct Cost of Construction:					
Prison walls	\$ 77,175.10				
Administration building	26,312.03				
Library and print shop	10,222.87				
Main cell building	281,098.42				
Corridor, main cells to detention cells	10,971.91				
Detention cells	50,650.68				
Laundry and bath	33,014.43				
Corridor to kitchen	12,048.03				
Kitchen and dining room	74,480.03				
Tunnels	8,883.36				
Hospital	36,839.22				
Power plant	40,672.54				
Temporary buildings	10,759.76				
Bertillon block	362.40				
Tank and tower	4,071.32				
Potato house	434.40				
Miscellaneous	14.36	1,021.50	459.00		
Totals	\$ 678,011.68	\$ 1,021.50	\$ 459.00		\$ 679,492.18
Indirect Cost:					
Heating system	27,977.94				
Water supply	15,138.63			\$ 10,000.00	

STATEMENT OF COST OF CONSTRUCTION OF KILBY PRISON, DAIRY BARN, OTHER AUXILIARY BUILDINGS AND NON-STRUCTURAL IMPROVEMENTS, INCLUDING UNPAID INVOICES, UNFILLED ORDERS AND ESTIMATED EXPENDITURES TO COMPLETE PRESENT PROGRAM—Continued

	Warrants Issued to March 1	Unpaid Invoices	Unfilled Orders	Estimated Additional Expense	Total
Lighting system	22,725.90				
Sewerage	37,017.42				
Roads, walks and grading	2,865.42				
Temporary equipment	24,410.46				
Repairs to equipment	7,447.70				
Tools	4,882.17				
Operating gravel pit	10,096.95				
Hauling gravel	2,104.49				
Unloading and hauling material	6,047.39				
Permanent equipment	27,761.76				
Material undistributed	2,121.55				
Construction, spur track	541.24				
Motor vehicles	454.98				
Cost of operating motor vehicles	16,642.72				
Telephone and telegraph service	552.05				
Insurance	652.88				
Fuel, light and water	3,932.66				
Miscellaneous overhead expense	4,318.88				
Salaries, superintendent and assistants	7,833.74				
Engineer's fees	28,734.31				
Engineer's bond	746.58				
Miscellaneous office expense	1,220.83				
Totals	\$ 256,289.55			\$ 10,000.00	\$ 266,289.55
Equipment:					
Laundry	315.21				
Dining room	2,157.99				
Kitchen	8,095.57				
		\$ 1,021.50	\$ 459.00	\$ 10,000.00	\$ 1,021,180.55

*See explanation bottom last page.

Refrigerating plant	3,974.09				
Bertillon block	11.70				
Office	167.13				
Dental	2,117.46				
Hospital	4,441.41				
General equipment	7,262.79				
Total	\$ 28,543.35				\$ 28,543.35
Other Expenses:					
Warden's cottages	\$ 8,209.23				
Lighting system for barracks	1,607.62				
Purchase price of work stock	9,635.00				
Purchase price of saw mill	5,412.80				
Total	\$ 24,864.65				\$ 24,864.65
Adjustment No. 1:					
Transferred from cost of land to construction	\$ 19,854.17				\$ 19,854.17
Dairy Barn, Equipment and Herd:					
Cost of construction	\$ 48,841.80				
Equipment	4,604.68				
Cost of herd	27,580.40				
Total	\$ 81,026.88				\$ 81,026.88
Adjustment No. 2:					
Adjusting raw material received from other state property, see statement	\$ 19,420.30				\$ 19,420.30
Grand totals	\$ 1,183,409.40	\$ 1,021.50	\$ 459.00	\$ 10,000.00	\$ 1,194,889.90

The first column in the above statement represents amount of warrants drawn plus amount of charges against construction made on transfer orders and invoices from other properties and camps. The amount added in this statement which does not appear on the records of the accounting department is the last item, "Adjustment No. 2" which is explained in another statement.

There is an unknown value in material on hand in warehouse and the present value of saw mill and gravel pit machinery now on hand and upon which no effort was made to place a value. When this is sold off or transferred credit should be given the construction account.

STATEMENT SHOWING COST OF BUILDINGS, MACHINERY EQUIPMENT, OF KILBY COTTON MILL,
WAREHOUSE, DYE HOUSE, SHIRT FACTORY, AND MACHINE SHOP AND OTHER AUXILIARY
IMPROVEMENTS

	Warrants & Transfers Issued to March 1	Unpaid Invoices	Unfilled Orders	Estimated Additional Expense	Total
Cotton Mill:					
Construction	\$ 163,671.89	\$ 9,345.80	\$ 23,991.22	\$ 7,120.00	
Machinery	362,953.78		8,861.98	5,000.00	
Equipment	7,464.40		11,222.81		
Totals	\$ 534,090.07	\$ 9,345.80	\$ 44,076.01	\$ 2,120.00	\$ 599,631.88
Shirt Factory:					
Construction	\$ 76,604.15	\$ 6,845.56	\$ 2,250.00	\$ 6,395.00	
Equipment	4,755.75				
Totals	\$ 81,359.90	\$ 6,845.56	\$ 2,250.00	\$ 6,395.00	\$ 96,850.46
Dye House:					
Construction	\$ 13,897.93	171.99		\$ 600.00	
Machinery	5,436.39		18,471.00		
Equipment	358.11				
Totals	\$ 19,692.43	\$ 171.99	\$ 18,471.00	\$ 600.00	\$ 38,935.42
Warehouse:					
Construction	\$ 16,852.35	671.50			
Machinery	348.19				
Equipment	554.41		770.00		
Totals	\$ 17,754.95	\$ 671.50	\$ 770.00		\$ 19,196.45
Machine Shop:					
Construction	\$ 6,758.53	504.54			

Equipment	6,270.78			9.28		
Totals	\$ 13,029.31	\$ 504.54	\$	9.28	\$	13,543.13
Pump House:						
Construction	\$ 1,240.78				\$ 500.00	
Equipment	1,921.83				5,500.00	
Totals	\$ 3,162.61				\$ 6,000.00	\$ 9,162.61
Hotel:						
Construction	\$ 9,076.03					
Equipment	1,552.37					
Totals	\$ 10,628.40					\$ 10,628.40
Additional cottages					\$ 26,000.00	\$ 26,000.00
Indirect Charges:						
Reservoir	\$ 3,615.49					
Sewerage	3,477.37				\$ 4,000.00	
Tank foundation	121.00					
Office equipment	171.50					
Repair to equipment	400.74					
Ordinary replacement	731.34					
Salaries, field	1,710.00				250.00	
Temporary buildings	493.29					
Expense, field force	15.25					
Insurance	2,205.68					
Transportation	349.06					
Contractor's fees	5,111.29					
Engineer's salary	1,500.00					
Engineer's fees	5,400.00				3,600.00	
Engineer's expense	785.92				100.00	
Totals	\$ 26,087.43				\$ 7,950.00	\$ 34,037.93
Grand totals	\$ 705,805.60	\$ 17,539.39	\$	65,576.29	\$ 59,065.00	\$ 847,986.28

RECAPITULATION OF COST, ALL CONSTRUCTION

	Warrants & Transfers Issued to March 1	Unpaid Invoices	Unfilled Orders	Estimated Additional Expense	Total
Kilby Prison, etc.	\$ 1,183,403.40	\$ 1,021.50	\$ 459.00	\$ 10,000.00	\$ 1,194,889.90
Cotton Mill, etc.	705,805.60	17,539.39	65,576.29	69,065.00	847.28
Totals	\$ 1,889,214.00	\$ 18,560.89	\$ 66,035.29	\$ 69,065.00	\$ 2,042,875.18

SUMMARY:

Total warrants paid and transfer entries	\$ 1,889,214.00
Amount necessary to complete:	
Unpaid invoices	\$18,560.89
Unfilled orders	66,035.29
Estimated amount of additional cost to complete	153,661.18
Total	\$ 2,042,875.18

ADJUSTMENT OF RAW MATERIALS BELONGING TO STATE OF
ALABAMA USED IN KILBY PRISON CONSTRUCTION.

ADJUSTMENT NO. 1.

Suggested entries to adjust:

Charge Kilby Construction.....	\$19,854.17	
Credit, investment in land Kilby Prison.....		\$19,854.17

Lumber:

Explanation:

Raw materials used from Kilby Prison property:		
Total cut of Kilby saw mill.....	1,217,312 ft.	
Less timber from prison farm No. 4.....	362,820 ft.	
Net amount cut from Kilby property.....	854,492 ft.	
Computed at \$5.00 per M. stumpage.....		\$4,271.96

Gravel and Sand:

Gravel—

Kilby Prison, dairy, etc.....	20,000 yds.
Cotton mill, etc.....	7,496 yds.

Sand—

Kilby Prison, dairy, etc.....	10,000 yds.
Cotton mill, etc.....	3,743 yds.

Total 41,239 cu. yds.

Reduced to tons equals.....	57,734.6 tons.
Less purchased from local gravel concern.....	4,216.6

Net amount material used..... 53,518 tons.

Computed at 40c per ton.....	\$21,407.20
Less cost of operating pit.....	10,096.95

Net amount to be credited to investment in land.....	\$15,582.21
Total amount for lumber and gravel and sand.....	\$19,854.17

ADJUSTMENT NO. 2.

Charge Kilby Construction	\$19,430.30
Credit Speigner Land Investment.....	\$19,430.30

Explanation:

To adjust proper credits for Speigner tract for timber cut from that tract for use at Kilby Prison:

Amount of lumber reported shipped from Speigner to Kilby Prison, 989,636 ft. b. m. at \$25.00 per M.....	\$24,740.90
Less 758,657 ft. b. m. reported and credited at \$7.00 per M.....	5,310.60

Net amount to be credited to Speigner..... \$19,430.30

STATEMENT SHOWING SAVING AFFECTED BY THE STATE'S
OPERATION OF THE KILBY GRAVEL PIT.

53,518 tons sand and gravel at 95c price paid in open market delivered	\$ 50,843.05
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Credited to Kilby Tract.....	\$ 15,582.54
Cost of operating, including cost of machinery.....	10,096.95
Cost of hauling to prison.....	2,104.49
Total cost to deliver to prison.....	\$ 27,783.98
Net saving to State.....	\$ 23,059.07

In calculating the figures for the above adjustments for lumber the writer investigated the prices of lumber for the past eighteen months and conferred with lumber dealers. A study was also made of the specifications of the lumber ordered from Speigners and it was found to be No. 1 and better in a great many instances. In addition to this a dry kiln was constructed at Speigners and a great deal of this lumber was kiln dried and worked into first class lumber which was selling at as high as \$60.00 per thousand. The consensus of opinion was that the average price of \$25.00 per thousand is very low and considerably below what it would have been possible to have secured this material in the open market. The accounting department advises that the pay rolls and expense of logging, cutting and manufacturing this timber was borne by the Speigner operation, therefore this adjustment is considered very conservative.

*EXPLANATION OF MAINTENANCE OF TRUCKS AND MOTOR VEHICLES.

This item in comparison with the cost of vehicles is rather misleading. The facts are that the maintenance item is the amount which was paid out for maintenance and repairs of the motor equipment borrowed from the Highway Department and the Military Department, including a payment to the Highway Department of over \$4900 in one sum for certain trucks which were used until they were out of commission and represented only the amount of the freight on same as this was all it cost the State through the Highway Department.

There were several tractors and trucks in use and these required a great quantity of motor fuel and oil as well as repairs owing to the condition in which they were received from the government.

Montgomery, Alabama, April 11, 1923.

Hon. Chas. E. McCall,
Chief Examiner of Accounts,
Montgomery, Alabama,

Dear Sir:

Obedient to your instructions we have prepared and respectfully submit below the information as to the financial affairs of the State for the quadrennium ending September 30, 1922 requested by the Hon. A. M. Tunstall in his letter to you of March 19, 1923.

1. What was the amount of cash on hand exclusive of Federal funds at the beginning of the fiscal year on October 1, 1918?

A. Treasury balance	\$ 56,321.75
Less Federal Funds.....	346.98

Net Cash Balance Oct. 1, 1918.....	\$ 55,974.77
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2. What was the amount of warrants outstanding and unpaid at the beginning of said fiscal year?

A. Warrants outstanding Oct. 1, 1918.....	\$ 1,588,136.89
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3. What were the liabilities of the State at the beginning of said fiscal year for which warrants had not been issued but for which warrants were subsequently issued?

A. Ordinary liabilities	\$ 103,708.13
Temporary loan	300,000.00

Total liabilities of the character named on October 1, 1918.....	\$ 403,708.13
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4. What was the difference between cash on hand and liabilities for which warrants had not been issued combined with warrants outstanding on October 1, 1918?

A. Warrants outstanding	\$ 1,588,136.89
Other liabilities	403,708.13

Total	\$ 1,991,845.02
Deduct Cash on hand.....	55,974.77
Difference	\$ 1,935,870.25

5. What was the total income or receipts of State for the quadrennial period beginning October 1, 1918 not including Federal Funds?

A. Gross Receipts	\$49,689,476.71
Less Federal funds.....	1,567,633.68

\$48,121,843.03

Less temporary loans and refunding bonds	1,354,000.00
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Net receipts for quadrennium.....\$46,767,843.03

Deducting also Highway Bond and other non-revenue receipts amounting to.....	2,443,901.05
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Leaves Net Revenues for quadrennium.....\$44,323,941.98

6. What were total disbursements for said quadrennial period not including Federal funds?

A. Gross disbursements	\$47,656,048.03
Less Federal funds.....	1,538,992.37

\$46,117,055.66

Less temporary loans and refunding bonds amounting to.....	1,354,000.00
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Net total disbursements.....\$44,763,055.66

7. What was the difference between income or receipts and disbursements during said quadrennial period?

A. Income	\$46,767,843.03
Disbursements	44,763,055.66

Excess receipts over disbursements.....\$ 2,004,787.37

8. What was amount of cash on hand at close of fiscal year ending September 30, 1922 exclusive of Federal funds?

A. Cash on hand.....	\$ 817,148.64
Less Federal funds.....	35,175.45

Net cash on hand Sept. 30, 1922.....\$ 781,973.19

9. What was amount of outstanding or unpaid warrants at close of fiscal year ending Sept. 30, 1922?

A. Outstanding warrants Sept. 30, 1922.....\$ 260,842.10

10. What were the liabilities of the State at the close of said fiscal year for which warrants had not been issued?

A. Ordinary liabilities\$ 619,772.44
Unexpended special appropriations..... 292,917.13

Total liabilities\$ 912,689.57

11. What was the difference between total income or receipts and total expenses and disbursements for the quadrennial period beginning October 1, 1918 and ending September 30, 1922 combined with liabilities for which warrants had not been issued at close of fiscal year ending September 30, 1922?

A. Total income\$46,767,843.03
Disbursements\$44,763,055.66
Liabilities on
Sept. 30, 1922..... 912,689.57 45,675,745.23

Difference—Excess of income over disbursements
and liabilities\$ 1,092,097.80

12. If the answer to last question shows a greater outgo and liabilities and outstanding warrants than the income or receipts, then show difference between said amount and cash on hand at close of said fiscal year 1922.

A. Outgo and liabilities were less than receipts.

13. What was total receipts of Highway Department including special appropriations, motor vehicle tax and proceeds of sale of bonds during quadrennial period ending September 30, 1922?

A. Total receipts of Highway Department.....\$ 6,035,253.37

14. What were the total disbursements of the Highway Department for all purposes during said quadrennial period?

A. Total disbursements of Highway Department.....\$ 4,161,840.56

15. What was difference between receipts and disbursements of Highway Department for said quadrennial period?

A. Excess of receipts over disbursements.....\$ 1,873,412.81

16. What amount if any was due the Highway Department at close of fiscal year on September 30, 1922?

A. Balance due Highway Department Sept. 30, 1922.....\$ 1,873,412.81

17. What was the total amount paid out for new buildings, improvements or repairs on all State institutions or properties during said quadrennial period beginning October 1, 1918 and ending September 30, 1922?

A. Total paid out for new buildings, improvements
and repairs on State property.....\$ 3,037,404.85

18. Recapitulate by adding or subtracting your answers to above question to amount due Highway Department at close of fiscal year 1922 so as to show total liability of State at close of fiscal year 1922 or net sur-

plus on hand in cash. Liability, if any, to include unpaid warrants, debts for which warrants had not been issued and balance, if any, due Highway Department.

A. Balance due Highway Department.....	\$ 1,873,412.81
Liabilities Sept. 30, 1922 for which warrants were later issued.....	912,689.57
Outstanding or unpaid warrants Sept. 30, 1922.....	260,842.10
Total current liabilities Sept. 30, 1922.....	\$ 3,046,944.48
Less cash on hand Sept. 30, 1922.....	781,973.19
Net liabilities Sept. 30, 1922.....	\$ 2,264,971.29

An audit of the books and accounts of the State Treasurer, now in process, has disclosed the fact that the outstanding warrant account is incorrect, the warrants actually outstanding and unpaid exceeding the balance shown on the State Auditor's books and used in compiling the figures herein by something in excess of \$10,000.00, the exact amount not yet having been determined. This explanation is made to explain the difference between the figures as shown herein and the balance which will be shown by the Auditor's books when the same shall have been corrected after our audit is completed.

Respectfully,
(Signed) C. C. Brooks,
J. A. Hankins,
Assistant Examiners of Accounts.

BILLS ON THIRD READING.

H. 339. To repeal an act "Entitled an act, to make Township 17, Range 16 in Autauga county, a separate school district, approved February 17th, 1865.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Bealle

Boykin

Burns

Burton

Byars

Calloway

Cato

Coleman

Cook

Deloney

Dickinson

Dunwoody

Elliott

Embry

Ferrell

Fite

Gaines

Glenn

Glover

Goode

Graves

Grove

Guy

Hall

Henson

Hornsby

Howard

Howze

Jeter

Jones

Kilborn

Lee

Letson

Long

Love

Luck

McGowen

Melton

Moorer

Moxley

Norman

Odom

Parker

Pickens

Poole

Posey

Powell

Ringer

St. John

Sessions

Sollie

Tiller

Tunstall

Tyson

Varnier

Verner

Walker

Wall

Walton

Ware

Wyatt

Young

H. 285. To prohibit the court of county commissioners of Butler county, Alabama, from issuing the bonds of Butler county as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Henson	Luck
Bealle	Ferrell	Hodgson	McDaniel
Blackwell	Fite	Holcombe	Moorer
Bowen, Lewis	Forman	Hornsby	Moxley
Bowen, L. K.	Gaines	Howard	Nichols
Boykin	Glenn	Howze	Norman
Burns	Glover	Hubbard	Odom
Burton	Goode	Jeter	Parker
Byars	Goodwyn	Jones	Patterson
Calloway	Graves	Kilborn	Pickens
Cato	Grove	Kilpatrick	Poole
Christian	Guy	Lee	Posey
Coleman	Hall	LeMaistre	Powell
Cook	Hampton	Letson	Ringer
Culver	Hatter	Long	Rountree
Deloney	Hawkins	Love	Rutherford
Embry	Henley		

—66

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Moxley	Stewart (Calhoun)
Adams	Gaines	Nichols	Thompson (Etowah)
Adcock	Glenn	Norman	Thompson (Jackson)
Allen	Glover	Odom	Tiller
Boykin	Goode	Parker	Tunstall
Burns	Graves	Patterson	Tyson
Burton	Grove	Pickens	Varner
Byars	Guy	St. John	Verner
Cato	Hall	Sanders (Conecuh)	Walker
Christian	Jeter	Sanders (Pike)	Wall
Coleman	Jones	Sessions	Walton
Cook	Kilborn	Smith (Clay)	Ware
Deloney	Lee	Smith (Lee)	Mrs. Wilkins
Dickinson	Letson	Snodgrass	Williams
Dowdle	Long	Sollie	Wyatt
Elliott	Luck	Stewart (Bibb)	Young
Embry	Moorer		

—66

H. 283. To prevent live stock from running at large in Blount county, Alabama.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Henson	Mooneyham	Stewart (Calhoun)
Adams	Hodgson	Odom	Thompson (Etowah)
Adcock	Holcombe	Posey	Thompson (Jackson)
Allen	Hornsby	Fowell	Tiller
Byars	Howard	Ringer	Tunstall
Calloway	Howze	Rountree	Tyson
Cato	Hubbard	Rutherford	Varner
Coleman	Jeter	St. John	Verner
Cook	Jones	Sanders (Conecuh)	Walker
Deloney	Kilborn	Sanders (Pike)	Wall
Dunwoody	Kilpatrick	Sessions	Walton
Elliott	Lee	Smith (Clay)	Ware
Embry	LeMaistre	Smith (Jefferson)	Mrs. Wilkins
Fanning	Letson	Snodgrass	Williams
Ferrell	Luck	Sollie	Wyatt
Fite	McDaniel	Stewart (Bibb)	Young
Henley	Melton		

—66

H. 306. To provide for the election of a county superintendent of education for Blount county, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Jeter	Nichols
Adams	Cook	Jones	Norman
Adcock	Graves	Kilborn	Odom
Allen	Grove	Kilpatrick	Parker
Arrington	Guy	Lee	Patterson
Ashcraft (Fayette)	Hall	LeMaistre	Pickens
Ashcraft (Lauderd')	Hampton	Letson	Poole
Bealle	Hatter	Long	Posey
Blackwell	Hawkins	Love	Powell
Bowen, L. K.	Henley	Luck	Ringer
Boykin	Henson	McDaniel	Rountree
Burns	Hodgson	McGowen	Rutherford
Burton	Holcombe	Melton	St. John
Byars	Hornsby	Mooneyham	Sanders (Conecuh)
Calloway	Howard	Moorer	Snodgrass
Cato	Howze	Moxley	Young
Christian	Hubbard		

—66

H. 365. To authorize and empower the Circuit Solicitor in all counties in the State of Alabama having five or more Circuit

Judges, or which counties may hereafter have five or more Circuit Judges, and which Circuits is confined to one county and in such county there is a division of the Circuit Court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a Deputy Circuit Solicitor. To employ all shorthand reporters necessary to properly report the proceedings before the Grand Jury and transcribe the same, and stenographer or stenographers for the office work of such Solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensation, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Lee	Smith (Lee)
Adams	Fanning	Letson	Snodgrass
Adcock	Ferrell	Love	Sollie
Allen	Fite	Luck	Tiller
Arrington	Forman	McDaniel	Tunstall
Bealle	Gaines	McGowen	Tyson
Blackwell	Glenn	Melton	Varner
Bowen, Lewis	Glover	Moorer	Verner
Bowen, L. K.	Guy	Moxley	Walker
Boykin	Hall	Nichols	Wall
Burns	Hampton	Rountree	Walton
Burton	Hatter	Rutherford	Ware
Byars	Hawkins	Sanders (Conecuh)	Mrs. Wilkins
Deloney	Jeter	Sanders (Pike)	Williams
Dowdle	Jones	Sessions	Wyatt
Dunwoody	Kilborn	Smith (Clay)	Young
Elliott	Kilpatrick		

—66

H. 311. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman county, and to provide for the services of process from their courts.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Arrington	Burton	Culver	Fite
Ashcraft (Fayette)	Byars	Dunwoody	Gaines
Ashcraft (Lauderd ¹)	Cato	Elliott	Glenn
Boykin	Coleman	Embry	Glover
Burns	Cook	Ferrell	Goode

Goodwyn	Kilborn	Odom	Stewart (Bibb)
Grove	Lee	Parker	Stewart (Calhoun)
Guy	LeMaistre	Patterson	Thompson (Etowah)
Hall	Letson	Rountree	Thompson (Jackson)
Hatter	Long	Rutherford	Tiller
Hawkins	Love	St. John	Tyson
Holcombe	Luck	Sanders (Conecuh)	Varner
Howard	McDaniel	Sanders (Pike)	Verner
Howze	Melton	Sessions	Walker
Hubbard	Moorer	Snodgrass	Wall
Jeter	Nichols	Sollie	Walton
Jones	Norman		

—66

H. 405. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilpatrick	Rountree
Adcock	Fite	Lee	Rutherford
Bowen, L. K.	Gaines	LeMaistre	St. John
Boykin	Glenn	Letson	Sessions
Burton	Glover	Long	Snodgrass
Cato	Goode	Love	Sollie
Christian	Goodwyn	Luck	Tiller
Coleman	Graves	Norman	Tunstall
Cook	Hatter	Odom	Tyson
Culver	Hawkins	Parker	Verner
Deloney	Henley	Patterson	Walker
Dickinson	Henson	Pickens	Wall
Dowdle	Hornsby	Poole	Walton
Dunwoody	Howard	Posey	Ware
Elliott	Howze	Powell	Williams
Embry	Jones	Ringer	Young
Fanning	Kilborn		

—66

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the probate judge of Walker county, Alabama, for acting as judge of and doing the work of the judge of the county court of Walker county, Alabama.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Deloney	Forman
Adams	Bowen, L. K.	Dickinson	Glover
Adcock	Burns	Dowdle	Goodwyn
Arrington	Burton	Dunwoody	Graves
Ashcraft (Fayette)	Calloway	Embry	Grove
Ashcraft (Lauderdl)	Christian	Fanning	Hampton
Blackwell	Coleman	Ferrell	Hatter

Hawkins	Letson	Patterson	Tiller
Hodgson	Long	Pickens	Tunstall
Holcombe	Love	Poole	Varner
Hornsby	Luck	Posey	Verner
Howard	McDaniel	Powell	Walker
Hubbard	Melton	Ringer	Wall
Jones	Moorer	Rutherford	Ware
Kilborn	Moxley	Stewart (Bibb)	Mrs. Wilkins
Kilpatrick	Norman	Thompson (Etowah)	Williams
Lee	Parker		

—66

H. 358. To amend sections 3, 6, and 7 of an act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	LeMaistre	Sessions
Adams	Goode	Melton	Smith (Clay)
Arrington	Goodwyn	Mooneyham	Smith (Lee)
Ashcraft (Lauderdl)	Graves	Moxley	Snodgrass
Bealle	Grove	Nichols	Tiller
Bowen, Lewis	Guy	Norman	Tunstall
Bowen, L. K.	Hall	Odom	Tyson
Burns	Hatter	Parker	Varner
Burton	Henley	Poole	Walker
Byars	Henson	Posey	Wall
Calloway	Holcombe	Powell	Walton
Cato	Hornsby	Ringer	Ware
Coleman	Howard	Rutherford	Mrs. Wilkins
Cook	Howze	St. John	Williams
Fite	Hubbard	Sanders (Conecuh)	Wyatt
Forman	Jeter	Sanders (Pike)	Young
Gaines	Kilborn		

—66

H. 303. To alter or rearrange the boundaries of the city of Dothan, Houston county, Alabama.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Nays:

Messrs:

Blackwell	Calloway	Dickinson	Fite
Bowen, Lewis	Cato	Dowdle	Forman
Bowen, L. K.	Christian	Dunwoody	Gaines
Boykin	Coleman	Elliott	Glenn
Burns	Cook	Embry	Glover
Burton	Culver	Fanning	Goode
Byars	Deloney	Ferrell	Hatter

Hawkins	Jones	Nichols	Rutherford
Henley	Kilborn	Odom	Sessions
Henson	Kilpatrick	Patterson	Smith (Clay)
Hodgson	Lee	Pickens	Smith (Lee)
Holcombe	Letson	Poole	Sollie
Hornsby	Love	Posey	Stewart (Bibb)
Howard	Luck	Powell	Stewart (Calhoun)
Howze	McGowen	Ringer	Thompson (Jackson)
Hubbard	Melton	Rountree	Tiller
Jeter	Moorer		

—66

H. 359. To amend an act entitled "An act to provide for the appointment of Deputy Circuit Solicitors in all circuits in this state having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henson	Odom
Adams	Dunwoody	Holcombe	Parker
Adcock	Elliott	Hornsby	Rountree
Allen	Fanning	Howard	Rutherford
Arrington	Ferrell	Hubbard	St. John
Bealle	Fite	Jeter	Sanders (Conecuh)
Blackwell	Forman	Jones	Sessions
Bowen, Lewis	Gaines	Kilpatrick	Smith (Lee)
Bowen, L. K.	Glenn	Lee	Snodgrass
Boykin	Glover	Luck	Sollie
Burns	Goode	McDaniel	Thompson (Etowah)
Byars	Graves	McGowen	Thompson (Jackson)
Calloway	Grove	Melton	Tiller
Cato	Guy	Moorer	Tunstall
Cook	Hall	Nichols	Tyson
Deloney	Hatter	Norman	Varner
Dickinson	Henley		

—66

H. 360. To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Cook	Embry
Ashcraft (Fayette)	Bowen, L. K.	Deloney	Fanning
Ashcraft (Lauderdl)	Calloway	Dickinson	Ferrell
Bealle	Cato	Dunwoody	Fite
Blackwell	Christian	Elliott	Goodwyn

Grove	Love	Rountree	Tunstall
Hall	Luck	Rutherford	Tyson
Hampton	McGowen	Sanders (Conecuh)	Varnar
Hatter	Melton	Sanders (Pike)	Walker
Holcombe	Norman	Smith (Clay)	Wall
Howze	Odom	Smith (Lee)	Walton
Hubbard	Patterson	Snodgrass	Ware
Jones	Pickens	Stewart (Bibb)	Mrs. Wilkins
Kilpatrick	Poole	Stewart (Calhoun)	Williams
Lee	Posey	Thompson (Jackson)	Wyatt
Letson	Powell	Tiller	Young
Long	Ringer		

—66

H. 354. To provide for the division of Henry county, Alabama, into four commissioners' districts, to define the boundary lines of such districts by showing the beats composing each of such districts; To provide for election of one commissioner from each of such districts; to fix their terms of office and prescribe their duties under this act and as otherwise provided by law; to fix the date for election of such commissioners; to require such commissioners, including the present court of county commissioners, to furnish bond; and to further define and prescribe the duties and powers of said court of county commissioners.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Ashcraft (Fayette)	Glover	LeMaistre	Rutherford
Ashcraft (Lauderdl')	Goode	Letson	Sanders (Conecuh)
Bealle	Goodwyn	Luck	Sanders (Pike)
Boykin	Graves	McDaniel	Sessions
Burns	Grove	McGowen	Smith (Clay)
Burton	Hampton	Melton	Smith (Lee)
Byars	Hatter	Mooneyham	Snodgrass
Cato	Hawkins	Moorer	Sollie
Coleman	Henley	Moxley	Stewart (Bibb)
Cook	Henson	Nichols	Stewart (Calhoun)
Culver	Hodgson	Norman	Thompson (Etowah)
Dowdle	Holcombe	Odom	Thompson (Jackson)
Dunwoody	Hornsby	Parker	Tiller
Fanning	Hubbard	Patterson	Tyson
Ferrell	Kilborn	Pickens	Verner
Forman	Kilpatrick	Rountree	Walker
Gaines	Lee		

—66

H. 353. To require the court of county commissioners of Henry county, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom

paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goode	Luck	Sanders (Conecuh)
Adcock	Goodwyn	McDaniel	Sanders (Pike)
Arrington	Grove	McGowen	Sessions
Ashcraft (Lauder'd'l)	Guy	Melton	Smith (Clay)
Blackwell	Hall	Moorer	Smith (Lee)
Bowen, Lewis	Holcombe	Moxley	Snodgrass
Bowen, L. K.	Hornsby	Nichols	Stewart (Bibb)
Boykin	Howard	Odom	Stewart (Calhoun)
Cook	Howze	Parker	Thompson (Etowah)
Dunwoody	Hubbard	Patterson	Thompson (Jackson)
Elliott	Jones	Poole	Walker
Embry	Kilborn	Posey	Wall
Fanning	Kilpatrick	Ringer	Walton
Fite	Lee	Rountree	Ware
Forman	LeMaistre	Rutherford	Mrs. Wilkins
Gaines	Long	St. John	Young
Glover	Love		

—66

H. 376. To provide for the election of a county superintendent of education for Lawrence county, Alabama, by the qualified electors of Lawrence county at the next general election held in said county and each fourth year thereafter; to prescribe his qualifications, fix his term of office and to fix within certain limits, his salary.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Guy	McDaniel	Sollie
Adams	Hall	Melton	Stewart (Calhoun)
Adcock	Hatter	Moorer	Thompson (Jackson)
Bealle	Henley	Moxley	Tiller
Blackwell	Henson	Nichols	Tunstall
Boykin	Hodgson	Odom	Tyson
Burns	Hornsby	Parker	Varner
Burton	Howard	Pickens	Verner
Byars	Howze	Poole	Walker
Calloway	Hubbard	Posey	Wall
Cato	Jeter	Powell	Walton
Christian	Jones	Rountree	Ware
Gaines	Kilborn	Rutherford	Mrs. Wilkins
Glenn	Lee	Sanders (Conecuh)	Williams
Glover	Letson	Smith (Clay)	Wyatt
Goode	Love	Smith (Lee)	Young
Graves	Luck		

—66

H. 340. To repeal an act entitled an act, To incorporate the Prattville, Male and Female Academy in the county of Autauga, approved February 23rd, 1860.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Hampton	Pickens	Stewart (Calhoun)
Bealle	Hatter	Poole	Thompson (Etowah)
Blackwell	Howze	Posey	Thompson (Jackson)
Bowen, Lewis	Hubbard	Powell	Tiller
Bowen, L. K.	Jeter	Ringer	Tunstall
Boykin	Jones	Rountree	Tyson
Calloway	Kilborn	Rutherford	Varner
Cato	Lee	St. John	Verner
Christian	LeMaistre	Sanders (Conecuh)	Walker
Cook	Letson	Sanders (Pike)	Wall
Culver	Long	Sessions	Walton
Deloney	McGowen	Smith (Clay)	Ware
Dickinson	Melton	Smith (Lee)	Mrs. Wilkins
Dunwoody	Mooneyham	Snodgrass	Williams
Elliott	Nichols	Sollie	Wyatt
Embry	Norman	Stewart (Bibb)	Young
Hall	Patterson		

—66

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary. Said amendment being as follows:

Amend H. 363, section 2, by striking out the words and figures "twenty-four hundred (\$2400.00) dollars," and inserting in lieu thereof "Two thousand (\$2,000.00) dollars."

On motion of Mr. Fite the amendment reported by the Standing Committee on Judiciary was laid upon the table.

And the bill:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderdl.)	Burns	Deloney
Adcock	Bowen, Lewis	Byars	Dickinson
Allen	Bowen, L. K.	Cato	Bowdle
Arrington	Boykin	Cook	Dunwoody

Embry	Howard	Patterson	Snodgrass
Fanning	Howze	Poole	Stewart (Bibb)
Ferrell	Jeter	Posey	Stewart (Calhoun)
Fite	Kilpatrick	Powell	Thompson (Etowah)
Forman	Lee	Ringer	Thompson (Jackson)
Goode	LeMaistre	Rountree	Tunstall
Goodwyn	Letson	St. John	Tyson
Grove	Long	Sanders (Conecuh)	Varner
Guy	Love	Sanders (Pike)	Verner
Hatter	Luck	Sessions	Wall
Henson	Moxley	Smith (Clay)	Williams
Hodgson	Norman	Smith (Lee)	Young
Hornsby	Parker		

—66

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled "An act to establish in precinct one, in Madison county, Alabama, an inferior court in lieu of all justices of the peace, and notaries public with the power of the justices of the peace, in said precinct to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court, and the judge thereof."

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Hampton	Luck	Smith (Lee)
Coleman	Hatter	McDaniel	Snodgrass
Cook	Henson	Melton	Stewart (Bibb)
Deloney	Holcombe	Mooneyham	Stewart (Calhoun)
Elliott	Hornsby	Moorer	Thompson (Etowah)
Fanning	Howard	Moxley	Thompson (Jackson)
Ferrell	Howze	Nichols	Tyson
Fite	Hubbard	Norman	Varner
Forman	Jeter	Poole	Verner
Gaines	Jones	Powell	Walker
Glenn	Kilborn	Rutherford	Wall
Glover	Kilpatrick	St. John	Walton
Goode	Lee	Sanders (Conecuh)	Ware
Goodwyn	LeMaistre	Sanders (Pike)	Mrs. Wilkins
Graves	Letson	Sessions	Williams
Grove	Long	Smith (Clay)	Young
Hall	Love		

—66

H. 381. To provide for the election and appointment of a county superintendent of education for Marion county, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Adams	Dickinson	Kilborn	Posey
Adcock	Dowdle	Kilpatrick	Powell
Allen	Dunwoody	Lee	Ringer
Arrington	Elliott	Letson	St. John
Ashcraft (Lauderdl.)	Embry	Long	Sanders (Conecuh)
Bealle	Ferrell	Love	Sanders (Pike)
Blackwell	Fite	Luck	Sessions
Bowen, L. K.	Forman	McDaniel	Smith (Clay)
Boykin	Gaines	McGowen	Smith (Lee)
Burns	Glenn	Melton	Snodgrass
Calloway	Glover	Mooneyham	Sollie
Cato	Goode	Nichols	Stewart (Bibb)
Christian	Goodwyn	Parker	Stewart (Calhoun)
Coleman	Graves	Patterson	Thompson (Etowah)
Cook	Grove	Pickens	Thompson (Jackson)
Culver	Jeter	Poole	Young
Deloney	Jones		

—66

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Mooneyham	Stewart (Calhoun)
Adams	Grove	Moorer	Thompson (Etowah)
Arrington	Guy	Moxley	Thompson (Jackson)
Ashcraft (Fayette)	Hall	Patterson	Tiller
Bealle	Henson	Poole	Tunstall
Bowen, Lewis	Hodgson	Posey	Tyson
Bowen, L. K.	Holcombe	Ringer	Varner
Boykin	Hornsby	St. John	Verner
Burns	Howard	Sanders (Conecuh)	Walker
Byars	Howze	Sanders (Pike)	Wall
Calloway	Hubbard	Sessions	Walton
Cato	Jeter	Smith (Clay)	Ware
Cook	Jones	Smith (Lee)	Mrs. Wilkins
Forman	Kilborn	Snodgrass	Williams
Gaines	McDaniel	Sollie	Wyatt
Glover	McGowen	Stewart (Bibb)	Young
Goode	Melton		

—66

H. 473. To provide for the election of the County Superintendent of Education of Morgan County, Alabama, by a direct vote of all the qualified electors of said County.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Adams	Elliott	Kilborn	Sanders (Conecuh)
Adcock	Ferrell	Lee	Sanders (Pike)
Allen	Forman	Letson	Sessions
Bealle	Goodwyn	Love	Smith (Clay)
Blackwell	Graves	McDaniel	Smith (Lee)
Bowen, Lewis	Grove	McGowen	Snodgrass
Bowen, L. K.	Guy	Melton	Sollie
Boykin	Hall	Moorer	Tyson
Burns	Hatter	Moxley	Walker
Byars	Hawkins	Norman	Wall
Calloway	Henson	Odom	Walton
Cato	Hodgson	Patterson	Ware
Cook	Holcombe	Pickens	Mrs. Wilkins
Deloney	Howard	Rountree	Williams
Dickinson	Howze	Rutherford	Wyatt
Dowdle	Hubbard	St. John	Young
Dunwoody	Jones		

—66

H. 474. To regulate the nomination of candidates for the office of County Board of Education of Morgan County, Alabama.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Calloway	Hampton	Moxley	Snodgrass
Christian	Hatter	Nichols	Stewart (Bibb)
Coleman	Henley	Norman	Stewart (Calhoun)
Deloney	Hodgson	Patterson	Thompson (Etowah)
Dickinson	Holcombe	Poole	Thompson (Jackson)
Dowdle	Hubbard	Posey	Tunstall
Dunwoody	Jeter	Powell	Tyson
Elliott	Jones	Ringer	Varner
Fite	Kilborn	Rountree	Verner
Forman	LeMaistre	Rutherford	Walker
Gaines	Letson	St. John	Wall
Glover	Long	Sanders (Conecuh)	Walton
Goode	Love	Sanders (Pike)	Ware
Graves	Luck	Sessions	Mrs. Wilkins
Grove	McGowen	Smith (Clay)	Williams
Guy	Mooneyham	Smith (Lee)	Young
Hall	Moorer		

—66

H. 397. To rearrange and redistrict the commissioner's court districts of Pickens county, Alabama.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Allen	Bowen, L. K.	Burton
Adams	Blackwell	Boykin	Byars
Adcock	Bowen, Lewis	Burns	Calloway

Cato	Henley	Pickens	Stewart (Calhoun)
Christian	Henson	Poole	Thompson (Etowah)
Coleman	Hodgson	Posey	Thompson (Jackson)
Cook	Howard	Powell	Tiller
Deloney	Howze	Ringer	Tunstall
Dickinson	Hubbard	Rountree	Tyson
Dowdle	Jeter	Sanders (Conecuh)	Verner
Ferrell	Jones	Sanders (Pike)	Walker
Forman	Kilpatrick	Smith (Clay)	Wall
Gaines	Lee	Smith (Lee)	Ware
Glenn	McGowen	Snodgrass	Mrs. Wilkins
Glover	Melton	Sollie	Wyatt
Hatter	Mooneyham	Stewart (Bibb)	Young
Hawkins	Moorer		

—66

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Hampton	Moorer	Smith (Lee)
Bealle	Hatter	Moxley	Snodgrass
Blackwell	Howard	Norman	Sollie
Bowen, Lewis	Howze	Odom	Stewart (Calhoun)
Bowen, L. K.	Hubbard	Parker	Thompson (Etowah)
Boykin	Jeter	Pickens	Tiller
Burns	Jones	Poole	Tunstall
Burton	Kilborn	Posey	Tyson
Christian	Kilpatrick	Powell	Verner
Coleman	Lee	Ringer	Verner
Fanning	Letson	Rountree	Walker
Ferrell	Long	Rutherford	Wall
Forman	Love	St. John	Walton
Graves	Luck	Sanders (Pike)	Ware
Grove	McDaniel	Sessions	Mrs. Wilkins
Guy	McGowen	Smith (Clay)	Williams
Hall	Mooneyham		

—66

H. 399. For the relief of Ed Smart.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Arrington	Bowen, Lewis	Byars
Adams	Ashcraft (Lauderd ^l)	Bowen, L. K.	Christian
Adcock	Blackwell	Burns	Coleman

Cook	Holcombe	Rutherford	Tiller
Deloney	Hornsby	St. John	Tunstall
Dickinson	Howze	Sanders (Conecun)	Tyson
Dowdle	Hubbard	Sanders (Pike)	Varner
Elliott	Kilborn	Sessions	Verner
Embry	Lee	Smith (Clay)	Walker
Fanning	Letson	Smith (Lee)	Wall
Ferrell	Long	Snodgrass	Walton
Gaines	Love	Sollie	Ware
Hall	Parker	Stewart (Bibb)	Mrs. Wilkins
Hampton	Patterson	Stewart (Calhoun)	Williams
Hatter	Posey	Thompson (Etowah)	Wyatt
Hawkins	Ringer	Thompson (Jackson)	Young
Henson	Rountree		

—66

H. 476. To provide for the taxing and collecting of certain costs in criminal cases in the County Court of Shelby County.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Nays:

Messrs:

Mr. Speaker	Glenn	Kilpatrick	Rutherford
Adams	Glover	Lee	St. John
Adcock	Goodwyn	LeMaistre	Sanders (Conecuh)
Ashcraft (Fayette)	Graves	Letson	Sanders (Pike)
Ashcraft (Lauderd'l)	Guy	Long	Sessions
Bealle	Hall	Luck	Smith (Clay)
Burns	Hampton	McDaniel	Thompson (Etowah)
Burton	Hatter	McGowen	Thompson (Jackson)
Calloway	Henley	Melton	Tiller
Cato	Henson	Mooneyham	Tunstall
Christian	Hodgson	Nichols	Tyson
Coleman	Holcombe	Norman	Varner
Dunwoody	Hornsby	Parker	Verner
Elliott	Hubbard	Patterson	Mrs. Wilkins
Ferrell	Jeter	Pickens	Williams
Forman	Jones	Rountree	Young
Gaines	Kilborn		

—66

H. 300. To detach election precinct number nine (9) in St. Clair county, known as Ragland election precinct from the northern judicial division of said county, and attach the same to make it a part of the southern judicial division of St. Clair county, and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, on the circuit court in equity, chancery court, probate court, county court and commissioners court of the southern judicial division of said county, with place of holding court at the court house of said county at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the northern judicial division of said St. Clair county.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Graves	Long	Sessions
Blackwell	Guy	Luck	Smith (Clay)
Burton	Hall	Melton	Smith (Lee)
Calloway	Hampton	Moorer	Snodgrass
Cato	Hatter	Moxley	Stewart (Bibb)
Christian	Henley	Norman	Stewart (Calhoun)
Coleman	Henson	Patterson	Thompson (Etowah)
Cook	Holcombe	Pickens	Thompson (Jackson)
Deloney	Hornsby	Posey	Tyson
Dickinson	Howard	Powell	Varner
Embry	Howze	Ringer	Walker
Forman	Hubbard	Rountree	Wall
Gaines	Jones	Rutherford	Ware
Glenn	Kilborn	St. John	Mrs. Wilkins
Glover	Kilpatrick	Sanders (Concuh)	Williams
Goode	LeMaistre	Sanders (Pike)	Young
Goodwyn	Letson		

—66

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hall	Love
Adams	Dowdle	Hatter	McDaniel
Adcock	Dunwoody	Henley	McGowen
Allen	Elliott	Henson	Melton
Arrington	Embry	Hodgson	Moorer
Ashcraft (Lauderd')	Fanning	Holcombe	Moxley
Bealle	Ferrell	Hornsby	Nichols
Blackwell	Fite	Howard	Norman
Boykin	Forman	Howze	Odom
Burns	Gaines	Hubbard	Parker
Burton	Glenn	Jones	Patterson
Calloway	Glover	Kilborn	Pickens
Cato	Goode	Kilpatrick	Poole
Christian	Goodwyn	Lee	Posey
Coleman	Graves	Letson	Powell
Cook	Grove	Long	Ringer
Deloney	Guy		

—66

H. 148. For the relief of W. H. Harris, Clerk of the Circuit Court of Washington county and to authorize the custodian of the county funds to pay Mr. Harris the sum of \$223.45 out of the fine and forfeiture funds of Washington county for fees due him.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Lee	Stewart (Bibb)
Adams	Goode	Letson	Stewart (Calhoun)
Adcock	Graves	Long	Thompson (Etowah)
Blackwell	Grove	Love	Thompson (Jackson)
Bowen, Lewis	Guy	Luck	Tiller
Bowen, L. K.	Hall	Pickens	Tunstall
Boykin	Hatter	Poole	Tyson
Byars	Henley	Ringer	Varner
Deloney	Henson	Rountree	Verner
Dickinson	Hodgson	St. John	Walker
Dunwoody	Holcombe	Sanders (Conecuh)	Wall
Elliott	Hornsby	Sanders (Pike)	Walton
Embry	Howard	Sessions	Ware
Ferrell	Howze	Smith (Clay)	Mrs. Wilkins
Fite	Jeter	Smith (Lee)	Williams
Forman	Jones	Snodgrass	Young
Gaines	Kilborn		

—66

H. 380. To provide for the election of a county treasurer for Marion county, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Long	Rutherford
Adcock	Graves	Love	St. John
Bowen, Lewis	Grove	Luck	Sessions
Boykin	Guy	McGowen	Smith (Clay)
Burns	Hall	Melton	Smith (Lee)
Burton	Hatter	Moorer	Sollie
Byars	Henley	Moxley	Tiller
Cato	Henson	Norman	Tunstall
Cook	Holcombe	Odom	Tyson
Dowdle	Hornsby	Parker	Varner
Elliott	Howard	Patterson	Verner
Embry	Hubbard	Pickens	Wall
Fanning	Jones	Poole	Walton
Ferrell	Kilborn	Powell	Ware
Fite	Lee	Ringer	Mrs. Wilkins
Glenn	LeMaistre	Rountree	Young
Goode	Letson		

—66

On motion the above and foregoing bills were ordered sent forthwith to the Senate without engrossment.

BILL ON THIRD READING.

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the juris-

diction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Was taken up. Mr. L. K. Bowen offered the following amendment to the bill, H. 362:

Amendment to H. 362:

Amend Section 9 by striking out the words \$150.00 and inserting in lieu thereof the words \$200.00.

And the amendment offered by Mr. L. K. Bowen was adopted. Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Henley	Moxley
Adams	Elliott	Henson	Nichols
Adcock	Embry	Holcombe	Norman
Ashcraft (Fayette)	Fanning	Hornsby	Odom
Ashcraft (Lauderd ¹)	Ferrell	Howard	Powell
Bealle	Fite	Howze	Ringer
Blackwell	Forman	Hubbard	Rountree
Bowen, Lewis	Gaines	Jeter	Rutherford
Bowen, L. K.	Glover	Jones	St. John
Boykin	Goode	Lee	Sanders (Conecuh)
Burns	Goodwyn	Letson	Sanders (Pike)
Calloway	Graves	Love	Sessions
Christian	Grove	Luck	Smith (Clay)
Coleman	Guy	McGowen	Mrs. Wilkins
Deloney	Hall	Mooneyham	Wyatt
Dickinson	Hampton	Moorer	Young
Dowdle	Hatter		

—66

And the bill:

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

As amended, was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Cato	Dowdle
Adams	Bowen, L. K.	Christian	Fite
Arrington	Boykin	Coleman	Forman
Ashcraft (Lauderd ¹)	Burns	Cook	Gaines
Bealle	Burton	Deloney	Glover
Blackwell	Calloway	Dickinson	Goode

Goodwyn	LeMaistre	Pickens	Stewart (Bibb)
Graves	Letson	Poole	Thompson (Etowah)
Hall	Long	Powell	Tiller
Hampton	Love	Ringer	Tyson
Henley	McDaniel	Rountree	Varner
Henson	McGowen	Sanders (Conecuh)	Walker
Hodgson	Moorer	Sanders (Pike)	Wall
Howze	Moxley	Sessions	Ware
Hubbard	Norman	Smith (Clay)	Mrs. Wilkins
Jones	Odom	Smith (Lee)	Williams
Kilborn	Patterson	Snodgrass	

—66

ADJOURNMENT.

On motion of Mr. Long the House adjourned until Thursday, July 26th, 1923, at 10:00 A. M.

TWENTY-THIRD DAY.

House of Representatives,
Thursday, July 26th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Fleming of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Cook	Guy	Long
Adams	Culver	Hall	Love
Adcock	Deloney	Hampton	Luck
Allen	Dickinson	Hatter	McDaniel
Arrington	Dowdle	Hawkins	McGowen
Ashcraft (Fayette)	Dunwoody	Henley	Melton
Ashcraft (Lauderd ¹)	Elliott	Henson	Mooneyham
Bealle	Embry	Hodgson	Moorer
Blackwell	Fanning	Holcombe	Moxley
Bowen, Lewis	Ferrell	Hornsby	Nichols
Bowen, L. K.	Fite	Howard	Norman
Boykin	Forman	Howze	Odom
Burns	Gaines	Hubbard	Parker
Burton	Glenn	Jeter	Patterson
Byars	Glover	Jones	Pickens
Calloway	Goode	Kilborn	Poole
Cato	Goodwyn	Kilpatrick	Posey
Christian	Graves	Lee	Powell
Coleman	Grove	Letson	Ringer

Rountree	Smith (Jefferson)	Thompson (Jackson)	Wall
Rutherford	Smith (Lee)	Tiller	Walton
St. John	Snodgrass	Tunstall	Ware
Sanders (Conceh)	Sollie	Tyson	Mrs. Wilkins
Sanders (Pike)	Stewart (Bibb)	Varner	Williams
Sessions	Stewart (Calhoun)	Verner	Wyatt
Smith (Clay)	Thompson (Etowah)	Walker	Young

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Second Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 22nd Legislative Day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill respectively, and find same correctly engrossed, to-wit:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Glover:

H. R. 79. Be it resolved by the House of Representatives of Alabama: That the Clerk of the House be and he is hereby directed and required at once to cause two hundred copies of all changes and amendments in the statutory laws of Alabama appearing in the Code of Alabama of 1907 and in the general statutes since then enacted, whether originated by the Code Commissioner or by the Recess Code Committee, submitted with or as part of the bill now pending in the House, for the codification of the general statutes of Alabama; and to cause one each of said copies to be placed upon the desks of the Representatives

respectively, that they may be informed of the nature, character and provisions of said changes and amendments.

Mr. Glover moved to suspend the rules, and consider the resolution. The motion to suspend the rules was lost.

Yeas, 53; nays, 44.

Yeas:

Messrs:

Adams	Dunwoody	Kilpatrick	Powell
Adcock	Fite	Lee	Ringer
Allen	Forman	Letson	Sanders (Conecuh)
Ashcraft (Fayette)	Gaines	Long	Sanders (Pike)
Blackwell	Glenn	Love	Sessions
Bowen, Lewis	Glover	Mooneyham	Smith (Clay)
Bowen, L. K.	Guy	Moorer	Smith (Jefferson)
Boykin	Hall	Moxley	Snodgrass
Burton	Hampton	Nichols	Sollie
Byars	Henley	Norman	Thompson (Etowah)
Calloway	Henson	Parker	Tyson
Coleman	Hodgson	Poole	Wyatt
Cook	Jeter	Posey	Young
Dickinson			

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Nays:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Stewart (Calhoun)
Ashcraft (Lauderdl')	Goode	Luck	Tiller
Bealle	Goodwyn	McDaniel	Tunstall
Burns	Graves	McGowen	Varnar
Cato	Grove	Melton	Verner
Christian	Hatter	Odom	Walker
Culver	Holcombe	Patterson	Wall
Deloney	Howard	Pickens	Walton
Dowdle	Howze	Rountree	Ware
Embry	Hubbard	St. John	Mrs. Wilkins
Fanning	Jones	Smith (Lee)	Williams

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And the resolution was referred to the Standing Committee on Rules.

COMMITTEE ASSIGNMENTS.

The Speaker announced the appointment of Mr. Lee of Perry to the Standing Committee on Penitentiary and Criminal Administration.

RESOLUTION.

The following resolution was introduced:

By Rules Committee:

H. R. 80. Resolved by the House of Representatives that the Speaker of the House be and he is hereby authorized and directed to appoint one additional member to each of the following committees of the House:

Rules Committee.

Judiciary Committee.

Banking and Insurance Committee.

Public Roads and Highways Committee.

Claims and Fees Committee.

Local Legislation Committee.

The rules were suspended and the resolution was adopted.

RECOMMITTAL OF BILL.

Mr. Culver, Chairman of the Standing Committee on Education, returned to the House,
By Mr. Howze (By request):

H. 461. To make an appropriation for the purpose of acquiring the necessary buildings and equipment for the education and occupation of the Adult Blind in useful trades, and for the purpose of providing for the control and maintenance of the same.

With the request that said bill be recommitted to the Standing Committee on Ways, Means and Appropriations, and on motion of Mr. Culver, the bill, H. 461, was recommitted to the Standing Committee on Ways, Means and Appropriations.

REPORT OF RULES COMMITTEE.

Mr. Merrill, Chairman of the Standing Committee on Rules, returned to the House the following resolutions, with a favorable report from said Committee:

By Mr. Ellis:

S. J. R. 91. Relative to a Joint Committee to investigate and report as to needed repairs for the Governor's Mansion.

And the resolution was adopted and the Speaker named as a Committee on the part of the House under said resolution: Messrs. Sollie, Holcombe and Verner.

Also:

By Mr. Carmichael:

S. J. R. 93. Relative to inviting General Gouraud to address a Joint Session of the Legislature on the occasion of his visit to Montgomery.

And the resolution was adopted and the Speaker named as a Committee on the part of the House: Messrs. Kilpatrick, Glenn and Cato.

Also:

By Mr. Carmichael:

S. J. R. 96. Relative to inviting General John J. Pershing to visit Montgomery and address a Joint Session of the Legislature of Alabama on the occasion of his visit to Alabama.

And the resolution was adopted and the Speaker named as a Committee on the part of the House: Messrs. Snodgrass, Nicholls and Walton.

Also:

By Mr. Jones of Barbour:

S. J. R. 97. Relative to Confederate Cemeteries on Northern Battlefields.

And the resolution was adopted and the Speaker named as a Committee on the part of the House: Messrs. Christian, Parker, Adcock, Adams and Bealle.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled "An act to establish in precinct one, in Madison county, Alabama, an inferior court in lieu of all justices of the peace, and notaries public with the power of the justices of the peace, in said precinct to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court, and the judge thereof."

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Rules Committee:

S. J. R. 103. Resolved by the Senate of Alabama, the House of Representatives concurring, that the House and Senate having received the invitation to visit Tuskegee on Friday, July 27th, desire to thank the people of Tuskegee for the invitation, but it is the sense of the House and Senate that important business before the Legislature requires that a Legislative Day be held on said date, and they regret the inability of the Legislature to accept said invitation.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Jeter, the House concurred in and adopted the Senate Joint Resolution No. 103, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Foster :

S. 166. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close to public travel, or use portions of certain avenues and streets, and certain alleys, in said city, described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south; that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west and the west line of 36th avenue, or Main street, on the east; that certain alley in

and who after being by me first duly sworn deposes and says, under oath, that he is the editor, and one of the owners of the Tuscaloosa News Publishing Company, publishing the West Alabama Breeze, a weekly newspaper published in the city and county of Tuscaloosa, State of Alabama, and that the following notice, to-wit:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama, which will reconvene on July 10th, 1923, a bill applicable to the city of Tuscaloosa, substantially as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of Fourth street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of Fourth, or Pine street, on the south, and the property known as the River Margin, on the north; that part of Third street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of Fifth street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of Seventh street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of Lot Number 412, according to the original survey of Newton, on the south; that part of Fourth street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of Fifth street or Richmond street in said city; which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of Sixth street, or Tippecanoe street in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newton; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newton, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newton; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newton, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newton; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newton, and on the west by lots numbers 307 to 314, inclusive, according to the orig-

inal survey of Newton; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street, on the south.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of City Commissioners of the city of Tuscaloosa, be, and hereby are, authorized and empowered to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city, described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of Fourth street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of Fourth, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of Fourth, or Pine street, on the south, and the property known as the River Margin, on the north; that part of Third street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin, on the north, and the northern boundary line of Fifth street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of Seventh street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south; that part of Fourth street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of Fifth street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley, in said city, which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey

of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street, on the south; provided, however, that said Board of City Commissioners shall pay all damages that may be sustained by any person on account of the vacation of said portions of said avenues, streets and alleys, or either, or any of them.

Section 2. That the said Board of City Commissioners shall publish an ordinance providing for the vacation of said portions of said avenues, streets and alleys, under authority of this Act, once a week, for three successive weeks, in a newspaper published in the city of Tuscaloosa, Alabama, and in the publication shall also give notice to all persons claiming damages by reason of the vacation of said portions of said avenues, streets and alleys, to file their claims with the City Clerk, within thirty days from the date of the first publication. If any claims for damages are presented, and the Board of City Commissioners and the claimants do not agree on the amount of damages the Board of City Commissioners may proceed, either by a bill in equity, in the Circuit Court of Tuscaloosa County, Alabama, or under the general eminent domain laws of the State of Alabama, to have the said claims determined.

Section 3. After publication, as provided in section two, of this Act, and payment of damages ascertained to be due any person, or persons, within the time specified in the said ordinance, on account of the vacation of said avenues, streets and alleys, the Board of City Commissioners may adopt an ordinance vacating and closing said portions of said avenues, streets and alleys hereinabove described, and any and all rights of the public in and to the use of said portions of said avenues, streets and alleys, as streets, alleys, avenues or highways, shall cease, and terminate, after the adoption of the said ordinance.

Was published once a week for four consecutive weeks in the said newspaper, in accordance with the constitutional requirements in regard to notices regulating the passage of local laws in the State of Alabama.

Aaron Miller.

Subscribed and sworn to before me on this the 9th day of July, 1923.

Lucy Barnes,

(Seal)

Notary Public in and for Tuscaloosa County, Alabama.

Also:

By Mr. Foster:

S. 167. To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th street on the south.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

State of Alabama, }
Tuscaloosa County. }

Before me, Annie Belle Whitson, a Notary Public in and for said County and State, personally appeared Aaron Miller, who being duly sworn, deposes and says under oath that he is the editor and one of the owners of the Tuscaloosa News Publishing Company, publishing the Tuscaloosa News and Times-Gazette, a newspaper published in the city and county of Tuscaloosa, State of Alabama, and that the following notice, to-wit:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama, which convened January 8, 1923, a bill applicable to the city of Tuscaloosa, substantially as follows:

A BILL

To be entitled An Act To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th street on the south.

Be it enacted by the Legislature of Alabama:

Section 1. That, in order to consolidate the two city blocks bought by the City Board of Education of the city of Tuscaloosa, for school buildings and playgrounds, the Board of City Commissioners of the city of Tuscaloosa be and hereby are authorized and empowered to vacate and close to public travel or use that portion of 22nd avenue in said city, which lies between 12th street on the north and 13th street on the south. Provided, however, that said Board of City Commissioners shall pay all damages that may be sustained by any person on account of the vacation of said portion of said avenue.

Section 2. That the said Board of City Commissioners shall publish an ordinance providing for the vacation of said portions of said avenue, under authority of this Act, once a week for three consecutive weeks in a newspaper published in the city of Tuscaloosa, and in the publication also give notice to all persons claiming damages by reason of the vacation of said street to file their claims with the City Clerk within thirty days from the date of the first publication. If any claims for damages are presented and the Board of City Commissioners and the claimants do not agree on the amount of damages, the Board of City Commissioners may proceed either by bill in

equity in the Circuit Court of Tuscaloosa County, or under the general eminent domain laws of the State to have the claims determined.

Section 3. After publication as provided in section 2 of this Act, and payment of damages ascertained to be due any persons, the Board of City Commissioners may adopt this ordinance vacating and closing said portion of 22nd avenue, and all rights of the public in and to the use thereof as a street or highway shall cease, after the adoption of the ordinances.

Was published once a week for four consecutive weeks in the said newspaper in accordance with the constitutional requirements in regard to notices regulating the passage of local laws in the State of Alabama.

Aaron Miller.

Sworn to and subscribed before me this the 10th day of February, 1923.

Annie Belle Whitson,

Notary Public.

Also:

By Mr. Craft:

S. 208. To amend an Act entitled "An Act to create the office of revenue constable for Mobile County and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

With notice and proof thereto attached and herewith exhibited, as follows:

To Whom It May Concern:

Notice is hereby given that at the adjourned session of the Legislature of the State of Alabama, to be held in the city of Montgomery, Alabama, commencing on July 10, 1923, a bill will be introduced to amend the local legislation which provides for the joint election and pay, by the Board of Revenue and Road Commissioners of Mobile county, and the Board of School Commissioners of Mobile county, of a revenue constable for Mobile county; such amendment to strike out those portions of the said existing legislation which requires the said Board of School Commissioners to take part in the election and pay of the said revenue constable; to provide that the salary of the said revenue constable shall be such sum as the Board of Revenue and Road Commissioners may fix, not in excess of one hundred and twenty-five dollars per month; and to strike out, from the numeration of the constable's duties, State and school licenses; so that under the law, as thus amended, the Board of School Commissioners of Mobile county will not be required either to join in the election of a revenue constable or pay any part of his compensation; the salary of the said revenue constable will be discretionary with the Board of Revenue and Road Commissioners with a maximum limit; and his duties will include the enforcement of county licenses only.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and county, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is auditor of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of intention to introduce a bill to amend the Mobile County Revenue Constable Law was published once a week for four consecutive weeks in the said Mobile Register, to-wit: June 12th, 18th, 25th, July 2nd, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 9th day of July, 1923.

(Seal)

Nettie Chandler,
Notary Public Mobile County, Alabama.

Also:

By Mr. Brower:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson county, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given, that the following bill or a bill in substance as follows, will be introduced at the present session of the Legislature:

A BILL

To be entitled An Act to create and establish an Inferior Court of Criminal and Civil Jurisdiction for that part of Jefferson County, Alabama, included within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55 as now constituted, to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place of holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for that part of Jefferson county, Alabama, included within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55 as now constituted, a court, which shall be known as and called "Bessemer Court of Misdemeanors" which said court is invested with and shall have and exercise within said precincts and territory original and final jurisdiction of all misdemeanors committed therein and concurrent jurisdiction with the circuit court of said county in misdemeanor cases, the same as is now or hereafter may be conferred by law on said circuit court, but shall try all persons charged with an offense without a jury; provided, however, that the jurisdiction of said court to try cases shall not include those offenses tryable in the juvenile court of said county, nor offenses for a violation of the prohibition laws; and said Bessemer Court of Misdemeanors shall have and exercise preliminary jurisdiction in all felony cases committed within said precincts or territory of said county that is now or hereafter may be conferred by law upon justices of the peace of said territory, or upon inferior courts created in lieu of justices of peace in said territory; and said Bessemer Court of Misdemeanors shall have and exercise jurisdiction in civil cases in said precincts or territory concurrently with justices of the peace of said territory. In the trial of defendants charged with felonies said court shall conform to and be governed by the rules, practice and procedure, and shall have and exercise the same power and authority as that now or that may be hereafter conferred on justices of the peace in said territory. In all cases wherein the defendant is charged with a misdemeanor over which said court has final jurisdiction as provided for in this Act, the trial shall be governed by the rules, procedure and practices that prevails in the trial of such cases in the county courts of this State. In the trial of civil cases in said court the said court shall be governed by the same rules, practice and procedure as governed such trials

before justice of the peace in said territory. No prosecution shall be instituted in said court by indictment, but all prosecutions shall be commenced and all trials of criminal cases in said court shall be had upon affidavit and warrant in the same manner as such prosecutions are commenced and such trials had in the county courts of this State. A trial by a jury in said court cannot be had.

Section 2. That the judge of the Inferior Court of Bessemer, Alabama, shall be and shall act as the ex-officio judge of the "Bessemer Court of Misdemeanors." Any judge or person authorized to act as judge of said Inferior Court of Bessemer, shall by virtue thereof be authorized to and shall act as ex-officio judge of said Bessemer Court of Misdemeanors.

Section 3. That the said ex-officio judge of said Bessemer Court of Misdemeanors shall receive as compensation for his services as such ex-officio judge of said court the sum of one thousand six hundred (\$1,600.00) dollars per annum, payable in equal monthly installments out of the county treasury of Jefferson county, Alabama, upon the warrant of said ex-officio judge drawn upon the county treasurer of said county, which said compensation shall be in addition to his salary received for his services as judge of the said Inferior Court of Bessemer.

Section 4. That it shall be the duty of the board of revenue of Jefferson county, Alabama, to provide said court with all necessary blanks, stationery, dockets, books, a place for holding said court and supplies, including a seal.

Section 5. That the ex-officio judge of said court shall be a magistrate and conservator of the peace, may take affidavits and warrants in felony cases returnable before himself, or before any other magistrate having jurisdiction, and may take affidavits and warrants for misdemeanors directly returnable to himself in cases in which said court shall have final jurisdiction of the offense, or in cases where said court does not have final jurisdiction, to any court having final jurisdiction thereof, including warrants returnable to the juvenile court of Jefferson county, Alabama. And in addition to the foregoing said ex-officio judge of said court may take directly returnable to any other court having jurisdiction thereof although this court has final jurisdiction of said misdemeanors. For his services as to all acts done by him said ex-officio judge is entitled to the same compensation as provided by law for justices of the peace in said territory in such cases, which compensation shall be collected as costs and shall be paid into the county treasury by said ex-officio judge or by the ex-officio clerk of said court, who shall collect and receive said costs. The costs and fees so collected shall not be the property of said ex-officio judge or said ex-officio clerk, but shall be the property of Jefferson county, Alabama, and said ex-officio judge and clerk shall receive for their services no other compensation than the salaries provided for them. The said ex-officio judge of said court shall have the power and authority to punish for contempt in cases where the judge of the circuit court of this State can punish for contempt by a fine, not exceeding fifty (\$50.00) dollars, and by imprisonment in the county jail not exceeding five days, one or both. The said court herein provided for and established shall be a court of record with a seal.

Section 6. That the clerk of the Inferior Court of Bessemer shall be and act as the ex-officio clerk of said Bessemer Court of Misdemeanors and as compensation therefor shall receive nine hundred (\$900.00) per annum, which shall be added to his salary received as clerk of said Inferior Court of Bessemer. In the event the business of said court becomes such as to justify it, the said ex-officio clerk, with the consent and concurrence of the board of revenue of Jefferson county, Alabama, may appoint a deputy clerk of said court, which said deputy clerk shall be entitled to and shall receive such compensation as the board of revenue shall prescribe, not in excess of nine hundred (\$900.00) dollars per annum, payable in equal monthly installments out of the county treasury of Jefferson county, Alabama, on the war-

rant of said ex-officio clerk approved by said ex-officio judge and said deputy clerk may be either a male or female. Said deputy clerk shall hold office at the will of said ex-officio clerk and shall perform such duties in connection with said office as said ex-officio clerk shall impose.

Section 7. The duties of said ex-officio clerk shall be to keep a record of all proceedings of said court. He shall keep in a book to be furnished by the board of revenue of Jefferson county, a properly arranged docket of all cases tried in said court including all examinations and felony on the date of the issuance and return of all process and a statement of the judgment rendered in the case, which shall be sufficiently clear to show what was done in the case, together with an itemized statement of the bill of cost and by whom paid. In all cases tried in said court and for all acts done in said court the same fees shall be taxed and collected as may now or hereafter be allowed by law in county courts of this State, except as herein otherwise provided. All costs, fines, forfeitures and penalties, when collected, shall by the ex-officio clerk of said court under the supervision of said ex-officio judge of said court be paid into the county treasury of said county, and such payments are required to be made at least once in each month.

Section 8. That all process of whatever nature or kind issued out of said court shall be addressed to the sheriff of Jefferson county, Alabama, or to any other lawful officer and shall be executed by said sheriff or lawful officer or deputy thereof. The said ex-officio judge of said court has the authority to require the sheriff of said county, or one of his deputies to attend upon the sessions of said court.

Section 9. That the deputy solicitor of the Bessemer Division of the Circuit Court of Jefferson county, Alabama, shall either in person or by deputy attend upon the sessions of said court and prosecute all criminal cases, regardless of whether it is a preliminary trial or otherwise. There shall be taxed as a part of the costs in each misdemeanor case tried in said court a solicitor's fee of \$5.00, which fee shall be collected as other costs are collected in such cases and paid into the county treasury of Jefferson county, Alabama. The deputy solicitor of the Bessemer Division of the Circuit Court of Jefferson county, Alabama, is authorized to employ one assistant at a salary of not exceeding \$125.00 per month, payable out of the county treasury on the warrant of such deputy solicitor, to assist him in the prosecution of criminal cases in said court and to hold his office by appointment of and may be discharged by said deputy circuit solicitor.

Section 10. Each calendar month shall constitute a term of said court, except that after five days from the rendition of a judgment in any cause the said judgment shall be beyond the jurisdiction and out of the power of the court, the same as if the term of the court ended on said fifth day after the rendition of said judgment.

Section 11. That the court shall be opened at the discretion of the judge presiding over said court any day during the week except Sunday for the trial of offenses committed within the jurisdiction of said court, but no person shall be tried on the same day or the next day after his arrest without his consent: provided, the judge presiding over said court may in his discretion set apart certain days in each month for the trial of all misdemeanor cases in said court.

Section 12. That in the trial of cases before this court, there shall be no right to demand a trial by a jury, but the ex-officio judge of said court shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand and render such judgments in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense may be made other than that contained in the affidavit and warrant. That in the trial of misdemeanor cases the forms for proceedings in the county courts of this State, or substantially the same forms in so far as they are applicable to this court, may be used in cases

tried in this court. In preliminary proceedings in felony cases and in civil cases the forms and procedure shall be the same or as nearly the same as practicable as that provided for such proceedings in justice courts in the territory over which this court has jurisdiction.

Section 13. That the judgment in case of conviction in cases tried by said court in substantially the following form: The State against A. B. (here state the offense charged by name). On hearing the evidence the court is satisfied of the guilt of the defendant and awards the following punishment (here state the punishment) and the costs of the proceedings:

Ex-officio Judge of Bessemer Court of Misdemeanors. If the defendant is acquitted the judgment must be that the defendant is discharged. In preliminary hearings in felony cases and in the trial of civil cases the judgment shall conform as near as may be to the judgment in such cases in the justice courts of the territory over which this court has jurisdiction.

Section 14. That, upon a conviction of any defendant in a misdemeanor case in said court, the court shall have the right to suspend sentence whenever in the discretion of said court the same may be advisable, under such terms and conditions and for such time as may be prescribed by said judge for the ends of justice.

Section 15. That in addition to the power and jurisdiction herein conferred upon said court it shall have and it is hereby given authority and jurisdiction to sentence to perform hard labor for the county of Jefferson for the payment of fines and costs in the same manner and to the same extent as the circuit courts of this State have authority and jurisdiction so to do.

Section 16. This court shall have the power to set aside, vacate or modify its judgments rendered in all cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; and this court may open for business and render default and other judgments after 9 o'clock of each day, except Sunday, and all process of the court where no time is otherwise fixed shall be returnable at 9 o'clock a. m. of the return day.

Section 17. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, which may be in the following form:

State of Alabama

vs.

A. B., Defendant,

C. D. and E. F., his sureties.

IN THE BESSEMER COURT OF MISDEMEANORS.

day of

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In this cause A. B. failing to appear and answer the charge against him for (here set out the offense), a judgment is entered against him and his said sureties, to-wit: for Dollars, (the amount of the penalty of the bond) in favor of the State of Alabama, for the use of Jefferson county, unless they appear at the next term of this Court, and show cause to the contrary; and it is ordered that notice issue to them.

Section 18. That all bonds returnable to said court where forfeitures have been taken, for failure of the defendant to appear, the said court shall have the authority to issue and shall cause to issue sci. fas. to the bondsmen, which shall be returnable in not less than thirty days from the date of issuance and upon final hearing the said court shall have the authority to pass upon the forfeiture, or make the same final, or take such other action in the circuit court of said county may be authorized to take in case of appearance bonds to said circuit courts.

Section 19. That any prosecution in said court, if it appear to the court that such prosecution is frivolous or malicious, the court shall, after hearing

the facts, render summary judgment and tax the prosecutor or the person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit, he may confess judgment for the same with good and sufficient sureties, and failing to do so or to presently pay the same such person must be imprisoned in the county jail or sentenced to hard labor for Jefferson county for the payment of the same for such a term as may be required to pay the same not to exceed ten days.

Section 20. That witnesses in misdemeanor cases in said court shall be entitled to the same fees, to be collected in the same manner as is provided in like cases before the county courts in this State, and at the end of the trial or examination they shall receive a certificate of attendance from the clerk of said court, and if the said fees are not called for within three months after paid into said court, they shall be forfeited and paid into the treasury of said county. In preliminary investigations of felony cases and in trials of civil cases the witness fees shall be governed by the law applicable to justices of the peace in like cases in the territory over which this court has jurisdiction.

Section 21. That appeals from judgments rendered in said court in cases over which said court has final jurisdiction may be taken by the defendant in misdemeanor cases and by either the plaintiff or defendant in civil cases to the Bessemer Division of the Circuit Court of Jefferson county, Alabama, within five days after the rendition of such judgment, and in the manner as is provided by law for appeals to be taken from the county courts of this State, if a misdemeanor case, or from justice courts of the territory over which this court has jurisdiction, if a civil case, to the circuit courts of this State, and a jury may be had on demand of the defendant if a misdemeanor case, and on demand of either party if a civil case, as provided by law, and all appeals taken as herein provided for, shall be tried de novo and be preferred cases in said circuit court and shall be governed in all respects by the rules and regulations provided by law for the trial of appeals in the circuit court from the county courts of this State, and from justice courts, as the case may be, in so far as the same may be applicable. In the precincts and territory named herein wherein said precinct and territory are now, under existing law or laws under jurisdiction of an inferior court created in lieu of justices of the peace as to the matters and parties as to which jurisdiction is conferred by this Act, the jurisdiction of such inferior court shall prevail as to such precinct and territory as to such matters and parties, and the jurisdiction of the court hereby created shall be excluded therefrom.

Section 22. That if any section, clause or provision of this Act shall be declared to be unconstitutional or held invalid, it shall not be held to affect any other section, clause or provision which is not in itself unconstitutional or invalid but such provision shall remain in full force and effect.

Section 23. That all laws and parts of laws, general, special or local in conflict with the provisions of this Act be and the same are hereby repealed.

Arthur Green,
Secretary Bessemer Bar Association.

State of Alabama, }
Jefferson County. }

Before me, Arthur Green, a Notary Public in and for said county in said State, personally appeared A. K. Williamson, the editor and manager of the Bessemer Advertiser, who being by me duly sworn, deposes and says that the foregoing attached notice was published in the Bessemer Advertiser, a weekly newspaper of general circulation published at Bessemer, Jefferson county, Alabama, for four (4) consecutive weeks, that is January 11th, 1923, January 18th, 1923, January 25th, 1923, and February 1st, 1923, and that

he is the editor and manager of said newspaper, and that said notice was published without cost to the State.

A. K. Williamson.

Sworn to and subscribed before me this the 5th day of February, 1923.

Arthur Green.

My commission expires July, 1925.

(Seal)

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 166, S. 167, S. 208, S. 219.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Griffith:

S. 187. To authorize cities and towns to reduce the area thereof and to reestablish and define their corporate limits and have a map or plat thereof made and recorded in the Probate Office of the County in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Also:

By Mr. Carmichael:

S. 162. To amend section 4224 of the Civil Code of Alabama of 1907.

Also:

By Mr. Craft:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

Also:

By Mr. Hutson:

S. 164. To provide for the institution and prosecution of misdemeanors in the County Court of Morgan County otherwise than by indictment by the Grand Jury, or by affidavit made before the Judge of said Court.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Section 1. Be it enacted by the Legislature of Alabama, That from and at the session beginning July 10th, 1923, for the passage of the following local bill:

AN ACT

To provide for the institution and prosecution of misdemeanors in the County Court for Morgan County otherwise than by indictment by the grand jury and by affidavit made before the judge of said court.

Notice is hereby given that I will apply to the Legislature of Alabama after the passage of this Act prosecutions of persons charged with misdemeanors in Morgan County may be begun by affidavit made before the Clerk of the Circuit Court of Morgan County, and that thereupon jurisdiction of the County Court of Morgan County shall attach, and the same shall proceed to trial and judgment under the same rules and procedure as provided by law in misdemeanor causes in the County Court of Morgan County.

Section 2. Nothing in this Act shall be construed as to in any manner interfere with or affect the prosecution for misdemeanors upon indictment found by the grand jury of Morgan County, or by affidavit made before the judge of the County Court for Morgan County.

Section 3. This Act shall take effect upon its approval by the Governor.

T. C. Almon,

Solicitor for the County Court for Morgan County.

State of Alabama, }
Morgan County. }

Before me, Leda L. Brown, a Notary Public in and for said State and County, personally appeared W. R. Shelton, who being duly sworn, on oath, says that he is the editor and manager of the Albany-Decatur Daily, a newspaper published in Albany, Morgan County, Alabama, and that the notice hereto attached was published for four successive weeks in the Albany-Decatur Daily, beginning June 7th, 1923.

W. R. Shelton.

Sworn to and subscribed before me this 9th day of July, 1923.

Leda L. Brown,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Education, S. 75.

Judiciary, S. 162.

Municipal Organization, S. 187.

Revision of Laws, S. 164.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Jones of Conecuh:

S. 221. To authorize and empower County Boards of Education and City Boards of Education to appropriate and use any district three mill tax that has been or may hereafter be voted in any School District to pay and discharge any obligations or

debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Local Legislation, S. 221.

NOTICE IN WRITING.

Mr. L. K. Bowen gave the following notice in writing:

I hereby give notice that on tomorrow I will make a motion to have the Standing Committee on Public Health to report to the House, House Bill No. 324.

MESSAGE FROM THE GOVERNOR.

Message to the House of Representatives:

I herewith return to you House Bill 74 without my approval.

My objection to the bill is that the open season for hunting turkey gobblers should be extended to include the month of March. If the bill is amended so as to allow the hunting, taking and killing of turkey gobblers in the month of March of each year it will meet my approval. I, therefore, suggest the following amendment to the bill, which will cure it of my objection:

"Strike out 'February 1st' where it occurs at the end of the ninth line of the bill and insert in lieu thereof 'April 1st.'"

Respectfully submitted,

Wm. W. Brandon,
Governor.

July 24, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Pickens, the House concurred in and adopted the amendment proposed by the Governor to the bill H. 74, to amend Section 6958 of the Criminal Code of Alabama, 1907, said Governor's amendment being set out in the above and foregoing message from the Governor.

Yeas, 63; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderd ¹)	Burns	Cook
Adams	Bealle	Burton	Culver
Adcock	Blackwell	Calloway	Dowdle
Allen	Bowen, L. K.	Cato	Fanning
Ashcraft (Fayette)	Boykin	Christian	Ferrell

Gaines	Lee	Posey	Tiller
Glenn	Letson	Ringer	Tunstall
Grove	McDaniel	Rutherford	Tyson
Guy	McGowen	Sanders (Pike)	Verner
Hampton	Melton	Sessions	Walker
Hatter	Moxley	Smith (Clay)	Wall
Henson	Nichols	Smith (Lee)	Walton
Hodgson	Norman	Sollie	Ware
Hubbard	Odom	Stewart (Bibb)	Wyatt
Jones	Parker	Stewart (Calhoun)	Young
Kilpatrick	Patterson	Thompson (Etowah)	

—63

Nays: Messrs. Deloney and Goode—2.

Which was a majority of the whole number elected to the House.

And the bill,

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907,

As amended, was again read a third time at length and passed.

Yeas, 57; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Christian	Hodgson	Ringer
Adams	Coleman	Hubbard	Rountree
Adcock	Cook	Jeter	St. John
Allen	Culver	Jones	Sanders (Pike)
Ashcraft (Fayette)	Dickinson	Kilpatrick	Sessions
Ashcraft (Lauderd'l)	Dowdle	Lee	Smith (Clay)
Bealle	Embry	Long	Smith (Lee)
Blackwell	Fanning	McDaniel	Sollie
Bowen, Lewis	Glover	McGowen	Stewart (Bibb)
Bowen, L. K.	Graves	Moorer	Thompson (Etowah)
Boykin	Hampton	Norman	Verner
Burns	Hatter	Odom	Wall
Burton	Henley	Patterson	Ware
Byars	Henson	Pickens	Young
Cato			

—57

Nays: Messrs. Goode and Grove—2.

Which was a majority of the whole number elected to the House.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hodgson (with notice and proof):

H. 534. To provide for the relief of H. W. Slaughter, of Baldwin County, Alabama. Whereas, under date of July 30th,

1900, W. S. White, as Auditor of the State of Alabama, did issue a deed conveying all the right and title of the State of Alabama in the following described lands:

All section No. 31, Township 3 N, Range 2 E, 572 acres, and all fractional of lot B, Section 30, Township 3 N, Range 2 E, 92 acres, lying and being situate in Baldwin County, Alabama, to H. W. Slaughter, his heirs and assigns forever, and whereas, the said H. W. Slaughter did pay to the State Treasury the sum of \$68.00 as evidenced on page 26 of the State Auditor's report for the fiscal year ending Sept. 30, 1900, and whereas, the said State Auditor did issue his warrant No. 30451, as evidenced on page 107 of the report supra, in favor of Chas. Hall, Probate Judge of Baldwin County, Alabama, in the sum of \$32.48, this being the county's part of the proceeds of the above sale, and whereas, under date of July 17, 1923, G. L. Lambert, Probate Judge of Baldwin County, Alabama, did issue a certificate showing that the above lands were Homestead entries under the laws of the Federal Government during the years 1907 to 1911 as shown in Tract Book No. 1, page 39, Baldwin County, and whereas, the above sale was erroneous, and whereas, the time limit has expired for the Auditor to make refund in the regular course, now therefore,

Ways, Means and Appropriations.

Notice and proof H. 534:

NOTICE.

Notice is hereby given that I will make application to the Legislature of Alabama for passage of an act to refund to me \$68.00 paid into the State Treasury for lands sold to me by the State, which proved to be United States unappropriated Government lands, and to which the State had no title.

H. W. Slaughter.

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
Baldwin County. }

R. N. Vail, being duly sworn, deposes and says that he is the owner of the Baldwin Times, a weekly newspaper published in Bay Minette, Baldwin County, Alabama; that the notice hereto attached of H. W. Slaughter was published in said newspaper for four consecutive weeks in the following issues: Date of first publication, June 21, 1923, Vol. 34, No. 19; date of second publication, June 28, 1923, Vol. 34, No. 20; date of third publication, July 5, 1923, Vol. 34, No. 21; date of fourth publication, July 12, 1923, Vol. 34, No. 22.

R. B. Vail.

Subscribed and sworn to before the undersigned this 18th day of July, 1923.

W. C. Beehl,
Notary Public.

By Mr. Moxley:

H. 535. To amend Section 4887 of the Code of Alabama.
Revision of Laws.

By Mr. Melton:

H. 536. To amend Section 1 of an act of the Legislature of Alabama, approved Sept. 22, 1915 and entitled, "An act to amend Sections 1222 and 1226 of the Code of 1907, relating to recorders and recorders' courts and to fines and sentences imposed by them."

Judiciary.

By Mr. Hatter:

H. 537. To develop, advertise and promote the resources of the several counties in the State.

Judiciary.

By Mr. Gaines:

H. 538. To amend Sections 2174 and 2175 of the Code of Alabama (relates to receipts of tax collectors to tax payers and stub book of receipts kept by collectors, and disposition of same).
Revision of Laws.

By Mr. Glover:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

Judiciary.

By Mr. Lewis Bowen:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Education.

By Mr. Howze (with notice and proof):

H. 541. To repeal the charter of the Town of Lipscomb, Jefferson County, Alabama, and to dissolve the municipal corporation of said town, and to provide for the disposal of its corporate property.

Local Legislation.

Notice and proof H. 541:

The State of Alabama, }
Jefferson County. }

Before me, the undersigned authority in and for said County, in said State, personally appeared Howe Price, who, being by me first duly sworn, deposes and says that he is editor of the Bessemer Advertiser, a newspaper of general circulation in the County of Jefferson, State of Alabama, published at Bessemer in said County and State, and that the following bill was published in said Bessemer Advertiser once a week for four consecutive

weeks prior to this date, said bill so published being in words and figures as follows, viz:

NOTICE.

Notice is hereby given that the following bill or a bill in substance as follows, will be introduced at the present session of the Legislature:

An Act to repeal the charter of the Town of Lipscomb, Jefferson County, Alabama, and to dissolve the municipal corporation of said town, and to provide for the disposal of its corporate property.

Be it enacted by the Legislature of Alabama:

Section 1. That the charter of the Town of Lipscomb, in Jefferson County, Alabama, be and the same is hereby repealed, revoked and rescinded, and the corporation now existing of the Town of Lipscomb in Jefferson County, Alabama, is hereby abolished and dissolved; that the officers elected by the said municipality and the offices therein created, be, and the same are hereby abolished.

Section 2. That all the property, real and personal, of the said Town of Lipscomb shall be sold at public auction after two weeks notice in the Bessemer Advertiser, and also by a written notice posted at the town hall of the said town, and the proceeds of the sale, after the payment of all expenses, together with any moneys in the town treasury, shall be turned over to the School Improvement Association for use as its other funds.

Section 3. That all laws or parts of laws in conflict herewith shall be and the same are hereby rescinded.

Section 4. That if any section of this Act shall be held unconstitutional it shall not affect any other section of said Act.

G. P. Benton,
Attorney.
Howe Price.

Sworn to and subscribed before me on this the 23rd day of July, 1923.
Lydia Self,
Notary Public.

By Mr. Howze (with notice and proof):

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

Local Legislation.

Notice and proof H. 542:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the present (1923) session, to pass an act, the substance of which is as follows:

An act to vacate that part of the Huntsville road from the point of intersection with Eighteenth avenue to the point of intersection with Nineteenth street and all streets, avenues, alleys, roads and ways over or across that certain tract of land of Jefferson County, Alabama, near the

City of Bessemer, bounded by the Huntsville road, Eighteenth avenue and Nineteenth street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville road and the said streets, avenues, alleys, roads and ways so vacated.

Knox, Acker, Sterne & Liles,
Anniston, Ala.

State of Alabama, }
Jefferson County. }

Before me, Susan E. Wright, a Notary Public in and for said County in said State, personally appeared J. Walter Webb, who, being duly sworn, doth depose and say that he is Advertising Director of the Age-Herald Company, the publishers of the Age-Herald; that the said Age-Herald is a daily newspaper published in said County of Jefferson, and State of Alabama; that the foregoing notice has been duly published in said Age-Herald once a week for four consecutive weeks before the making of this affidavit.

J. Walter Webb.

Sworn to and subscribed before me, this 23rd day of July, 1923.

Susan E. Wright,
Notary Public, Jefferson County, Alabama.

By Mr. Howze (By request):

H. 543. For the relief of Mrs. Lola Staten, Mrs. Evaline Tolbert, Willie Banks, Lizzie Easterwood, K. H. Isbell, Sammy Isbell, Dan Isbell, Ola Isbell, Dallas Isbell, Ollie Isbell and Louis Isbell.

Whereas, George Delaney, a late resident of Hale County, Alabama, was born a foreigner and outside the jurisdiction of the United States and died intestate on the 29th day of August, 1913, and,

Whereas, the Probate Court of Hale County, Alabama, issued letters of administration on the estate of said George Delaney, deceased, and in due course and according to law the proceeds from said estate escheated to the State of Alabama, in accordance with the final decree of the Probate Court of said County rendered on December 9th, 1916, and the sum of \$8,376.35 was paid into the Treasury of the State of Alabama as the net proceeds of said estate; and,

Whereas, the above named parties who constitute all of the heirs and next of kin of said George Delaney, deceased, who have never received any share, part or interest of, or in said estate; and,

Whereas, all of said heirs of the said George Delaney, deceased, are interested in said estate, now therefor:

Ways, Means and Appropriations.

By Mr. Odom:

H. 544. To amend Section one of an act approved October 2, 1920, entitled an act to regulate elections; to provide for the

registration of electors and preparation and furnishing of a list of qualified electors to the election inspectors.

Privileges and Elections.

By Mr. Odom (with notice and proof) :

H. 545. To amend section one of an act entitled "An Act to amend Section 1 of an Act entitled 'An Act to incorporate the town of Sulligent in the County of Lamar, State of Alabama,' approved February 12th, 1897," approved March 4th, 1907, so as to fix, define and enlarge the boundaries of the said Town of Sulligent.

Local Legislation.

Notice and proof H. 545:

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to fix, define and enlarge the boundary of the town of Sulligent, Alabama, which bill will be in words and figures as follows:

An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Sulligent in the County of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907," so as to fix, define and enlarge the boundaries of the said town of Sulligent.

Section 1. Be it enacted by the Legislature of Alabama, that Section one of an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to incorporate the town of Sulligent, in the County of Lamar, State of Alabama, approved Feb. 12th, 1897,' approved March 4th, 1907," be amended by amending Section 1 of said act, so as to read as follows:

Sec. 1. Be it enacted by the General Assembly of Alabama that the town of Sulligent, in Lamar County, State of Alabama, be and the same is hereby incorporated under and by the name of the town of Sulligent, and its corporate limits shall extend, and be as follows, to-wit:

"Beginning at the center of section twenty-nine (29), township thirteen (13), range fifteen (15) west, in Lamar County, Alabama, thence run north thirty-three (33) degrees west one-fourth ($\frac{1}{4}$) of a mile, thence east fifty-seven (57) degrees north three-fourths ($\frac{3}{4}$) of a mile, thence south thirty-three (33) degrees east one and one-twentieth ($1 \frac{1}{20}$) miles, thence west fifty-seven (57) degrees south one and one-half ($1 \frac{1}{2}$) miles, thence north thirty-three (33) degrees west one and one-twentieth ($1 \frac{1}{20}$) miles, thence east fifty-seven (57) degrees north three-fourths ($\frac{3}{4}$) of a mile."

(Signed) J. L. White.

The State of Alabama, }
Lamar County. }

Before me, C. S. McDougal, Register of the Circuit Court in Equity, personally appeared Flavius McDougal, who being by me first duly sworn, deposes and says that he is publisher of the Lamar Democrat, a newspaper published at Vernon, Lamar County, Alabama, and that the hereto attached notice of proposed local legislation was published in said newspaper for three consecutive weeks, to-wit: June 27th, 1923, July 4th, 1923, and July 11th, 1923.

Flavius McDougal.

Sworn to and subscribed before me, this the 21st day of July, 1923.

C. S. McDougal,

Register of the Circuit Court in Equity.

By Mr. Ashcraft of Lauderdale:

H. 546. To provide for the control, management, supervision, hiring and inspection of county convicts.

Penitentiary and Criminal Administration.

By Mr. Howze (with notice and proof):

H. 547. To provide for the relief of the Scottenn Coal, Inc., and to authorize the payment to it by the State Treasurer of the sum of \$70.47, the same having been heretofore erroneously collected by the State Tax Commission as Franchise Taxes for the year 1921.

Ways, Means and Appropriations.

Notice and proof H. 547:

TO WHOM IT MAY CONCERN.

Notice is hereby given that Scottenn Coal, Inc., of Birmingham, Alabama, will apply to the State Legislature for the passage of a law refunding to the said Scottenn Coal Company the sum of \$70.46, heretofore erroneously collected by the State Tax Commission as Franchise Taxes for the year 1921.

Scottenn Coal, Inc.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who, being duly sworn, deposes and says that he is Editor and Manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: February 10-17-24, March 3, 1923.

J. H. F. Mosley.

Sworn to and subscribed before me, this 23rd day of July, 1923.
(Seal)

Mary Mosley,
Notary Public.

By Mr. Howze:

H. 548. To make appropriation for the maintenance and support of the State Training School for Girls, and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing additional land.

Ways, Means and Appropriations.

By Mr. Grove:

H. 549. To make an appropriation for the relief of Joseph W. John.

Ways, Means and Appropriations.

By Mr. Holcombe:

H. 550. To provide for the payment out of the County Treasury for Ex-Officio services rendered by the Recorder while presiding over the Recorder's Court in the trial of cases before said Court wherein there is charged a violation of the laws of the State of Alabama, in any city that has adopted the form of government provided for in the Act of Legislature of Alabama, en-

titled: "An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama, which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties, and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government, approved April 8, 1911."

Municipal Organizations.

By Mr. Powell (with notice and proof):

H. 551. To create and establish a Board of Revenue in and for Walker County, Alabama, in the place and instead of the Commissioners' Court now existing in said County and abolishing said Commissioners' Court; providing that the present County Commissioners shall be members of said Board of Revenue until Monday after the first Tuesday in January, 1925; providing for the appointment of the Chairman of said Board to serve until his successor is elected at the general election held in November, 1926, and qualified; providing for the election of a chairman every fourth year; fixing the term of office of the chairman of said Board of Revenue; fixing the compensation of the Chairman and other members of said Board, and the clerk thereof; conferring upon said Board of Revenue and the individual members thereof all jurisdiction, powers and authority granted by law to County Commissioners and to Commissioners' Courts and Boards of Revenue in this State; making the Probate Judge and Circuit Clerk of said County ex-officio members of said Board; providing for the holding of monthly meetings of said Board of Revenue beginning on the second Monday in each month; providing for the repeal of all laws in conflict with this Act and fixing the time when this Act shall become operative.

Local Legislation.

Notice and proof H. 551:

NOTICE.

Notice is hereby given that application will be made to the approaching session of the Alabama Legislature to pass a bill substantially as follows:

A bill to be entitled "An Act to create and establish a Board of Revenue in and for Walker County, Alabama, in the place and instead of the Commissioners' Court now existing in said county and abolishing said Commissioners' Court; providing that the present county Commissioners shall be members of said Board of Revenue until Monday after the first Tuesday in January 1925; providing for the appointment of the Chairman of said Board to serve until his successor is elected at the general election held in November 1926 and qualified; providing for the election of a Chairman every fourth year; fixing the term of office of the Chairman of said Board of Revenue; the compensation of the Chairman and other members of said Board and the Clerk thereof; conferring upon said Board of Revenue and the individual members thereof all jurisdiction, powers and authority granted by law to County Commissioners and to Commissioners' Courts and Boards of Revenue in this State; making the Probate Judge and Circuit Clerk of said County Ex-officio members of said Board; providing for the holding of monthly meetings of said Board of Revenue beginning on the second Monday in each month; providing for the repeal of all laws in conflict with this act and fixing the time when this Act shall become operative."

Be it enacted by the Legislature of Alabama as follows:

Section 1. There is hereby created and established in and for the County of Walker in said State a Board of Revenue to be constituted as follows: Until Monday after the second Tuesday in January, 1924, the members of the present Court of County Commissioners shall be members of said Board of Revenue, together with the Chairman of said Board who shall be appointed by the Governor and whose term of office shall expire on Monday after the second Tuesday in January, 1927. The Probate Judge of Walker county shall be Clerk of said Board. The said Board shall be known as "The Board of Revenue" of the said County of Walker and shall take the place of the present Commissioners' Court of said County and upon the approval of this act by the Governor of Alabama said Commissioners' Court as now constituted shall cease to exist in said county.

Section 2. The Chairman of said Board must be a qualified voter of Walker County, twenty-five years of age or upwards. The Judge of Probate of said County of Walker shall be Clerk of said Board of Revenue and after the first Monday after the second Tuesday in January, 1925, shall be Ex-officio member of said Board of Revenue. After the first Monday after the second Tuesday in January, 1925, the Circuit Clerk of Walker County shall be Ex-officio a member of said Board of Revenue. After the first Monday after the second Tuesday in January, 1925, said Board of Revenue shall be composed of the Chairman of said Board to be appointed and subsequently elected as herein provided and the Probate Judge and Circuit Clerk of said County. The Chairman of said Board shall preside at all meetings of said Board when present, and shall have the same powers and be vested with the same jurisdiction and authority as the other members thereof. In his absence the Probate Judge shall act as chairman of said board. The Probate Judge shall be Clerk of said Board and shall write or supervise the writing of the minutes of all the meetings of said Board of Revenue, shall sign for and on behalf of said Board of Revenue all warrants, checks, drafts, notes, bonds, contracts or other instruments of writing drawn against the Treasury of the County or in any way binding the county to any obligation or liability. Two members of said Board of Revenue shall constitute a quorum for the transaction of all business. The Probate Judge as Clerk of said Board shall issue all Commissions to overseers of the roads. The compensation of the Clerk of Board for the duties performed by him as such Clerk shall be \$50.00 per month, payable monthly on warrants issued by the Probate Judge as Clerk of said Board. This shall not include his compensation for road duties.

Section 3. That said Board of Revenue shall hold monthly meetings at the Court house of said County beginning on the second Monday in each month for the transaction of such business as may come before it; said meetings to be known or designated as terms and shall be called by the months in which they are held. At all such meetings of said Board of Revenue the business of the County shall be taken up, considered and dispatched in due order and it shall be the duty of said Board of Revenue to cause a record or minute to be made and kept of each meeting thereof; that said Board of Revenue shall have and exercise all the jurisdiction, powers and authority granted and conferred by the general laws of Alabama to Courts of County Commissioners, Boards of Revenue or other like bodies, as well as such jurisdiction, powers and authority as may have been specially granted by the Legislature of Alabama to the Commissioners' Court of Walker County; and the several members of said Board of Revenue in their individual capacity shall do and perform respectively all the acts and duties and services required by law of County Commissioners and members of County Boards of Revenue, both by the general laws of Alabama and any special acts applicable to Walker County.

Section 4. Said Board of Revenue shall have the general and exclusive jurisdiction, supervision and charge of the public roads, highways and bridges of Walker County and shall be invested and clothed with all the jurisdiction, power and authority now granted by law to Boards of Revenue, Courts of County Commissioners or other like bodies within the State of Alabama respecting the public roads, highways and bridges. And it is hereby made the duty of said Board of Revenue to make the amplest provision possible under the law for the extension and improvement of the public roads of the county, including provision for the repair and maintenance of the roads already built. Said Board of Revenue shall make such rules and regulations not inconsistent with the general laws of the State of Alabama relative to the working of the public roads of the County as well, in the opinion of said Board of Revenue, produce the best results. The Chairman of Board is charged with the special duty of giving all of his time to the road business of Walker County when not otherwise engaged as a member of said Board of Revenue.

Section 5. It is made the duty of the Probate Judge and Clerk of said Board to cause a record of all public roads and highways of said County to be made and kept in his office for the use of the general public. He shall record in suitable books therefor a brief description of all roads, together with the overseers thereof as they may be appointed from time to time by the Board of Revenue. He shall furnish deeds for the procuring of rights of ways and cause all such deeds when duly executed to be recorded, and from time to time as occasion may require it is hereby made his duty to inspect the roads and bridges of the county and to make such recommendations to the Board of Revenue as in his judgment will best promote the improvement and development and conservation of the public highways and bridges of the County, and as his compensation for all such services he shall be allowed the sum now allowed by law for such services, to-wit: \$400.00, to be paid in quarterly installments of \$100.00 each from the county Treasury of the County.

Section 6. The Board of Revenue shall appoint all overseers. It shall be the duty of the Chairman of the Board to nominate a list of overseers, but the Board of Revenue shall not be confined to said list in making said appointments. The Chairman of the Board shall cause all road hands to be duly apportioned to the several roads within their districts. The Circuit Clerk as a member of said Board of Revenue shall receive as compensation for his services in attending upon the meetings of said Board the sum of \$5.00 per day. The Chairman of said Board shall be paid

\$250.00 per month upon warrants issued by the Clerk of said Board. Said salary shall be in full payment of his services, except the expense allowance herein provided. All of said sums to be paid by warrant after allowance by the Board of Revenue out of the County Treasury.

Section 7. Until Monday after the second Tuesday in January, 1925, the present members of the Commissioners' Court who are to become members of the Board of Revenue shall receive the same per diem and traveling allowance as is now provided by law for the members of said Commissioners' Court. The salary, compensation and allowance for the Chairman of said Board and the Clerk of said Board shall be effective from and after the passage of this Act.

Section 8. At the general election in November, 1926, and each four years thereafter a Chairman of said Board of Revenue shall be elected by the qualified voters of Walker County. The term of the Chairman shall be four years and until his successor is elected and qualified.

Section 9. The Chairman of the Board shall be allowed his reasonable actual expenses while away from the Court house on the road business of the County. Said expense shall not exceed fifty dollars per month and shall be paid only after the Chairman has filed with the Probate Judge as Clerk of the Board an itemized verified statement of his expenses.

Section 10. All provisions of any special Acts applicable to and enacted for Walker County now in force which are not in conflict with the provisions of this act shall be and remain in full force and effect, but wherever there shall be any conflict between any such local acts and this act, such local acts are hereby repealed. This Act shall become operative upon its passage by the Legislature and approval by the Governor.

Chas. H. Fanning,
J. B. Powell,

Representatives Walker County, Alabama.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, personally appeared L. S. Richardson, who being by me first duly sworn deposes and says that he is publisher of the Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama; and that the notice hereto attached was published in said paper for four consecutive weeks, on the following dates, to-wit: June 20th, June 27th, July 4th and July 11, 1923.

L. S. Richardson.

Subscribed and sworn to before me, this 11th day of July, 1923.
(Seal)

C. L. Norvell,
Notary Public.

By Mr. Culver:

H. 552. To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this act.

Education.

By Mr. Gaines:

H. 553. To regulate the liability in certain cases of fire insurance companies.

Banking and Insurance.

By Mr. Ashcraft of Lauderdale (By request) :

H. 554. To repeal an act entitled "An act to prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipalities," approved September 29th, 1919.

Ways, Means and Appropriations.

By Mr. Glover :

H. 555. To provide for and require the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

Penitentiary and Criminal Administration.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 41. To define and regulate the business of dry cleaning and dyeing in cities in the State of Alabama of over six thousand population according to the last Federal census and any subsequent Federal census, and to provide for the erection and maintenance of dry cleaning and dyeing buildings and establishments, and the inspection by the State of such buildings and establishments used for such purpose in such cities, and to provide ways and means for enforcing this act, and penalties for the violation thereof.

S. 134. To establish and regulate liens in favor of garage keepers, automobile repairmen, or bailees of motor vehicles, for storing, or repairing motor vehicles, or furnishing accessories, or parts for motor vehicles, and to regulate the procedure for the enforcement thereof.

S. 206. To amend Section 1 of an act entitled an act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

S. 209. "To provide for the appointment of an additional Deputy Clerk for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such Deputy."

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had

acted on the following bills and ordered same returned to the House with a favorable report:

H. 371. To amend Section 5896 of the 1907 Code of Alabama.

H. 524. To amend Sections 2692, 2697, 2698, 2699 and 2700 of the Code of Alabama of 1907.

H. 525. To fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

Mr. Ashcraft, of Landerdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this act.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 106 (with substitute). To provide for the election of a county superintendent of education for Franklin County, Alabama, his term of office, and to provide for the appointment of a county superintendent of education of said county to serve from the time of the approval of this bill until his successor is elected and qualifies.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 218. To amend section 1 of article 1 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses

and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers;

to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of

a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

H. 328. To amend Section 1 of Article 5 and Section 25 of Article 8 and Section 19 of Article 9 of an act entitled "An Act to provide a complete educational system of the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for Boards of School Trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages pre-

scribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from County Boards of Revenue; Boards of Education; School Districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trades and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appoint-

ment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school; to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

H. 334. To amend Sections 1 and 2 of Article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar

of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties

and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to the State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of

the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

H. 366. To provide for the election of Boards of Education in Municipalities in the State of Alabama with populations of One Hundred Thousand or more according to the Federal Census of 1920; or any subsequent Federal Census to prescribe the times and manner for holding elections therefor; to prescribe the powers of such boards of education; to prescribe the terms of office of the members of such boards of education; and to provide for the repeal of conflicting laws or legislation.

H. 375. To provide that money, property or anything of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

H. 382. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than Eighty Thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal Census or any succeeding Federal Census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 509. To repeal an act entitled an act "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes," approved March 17, 1915.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 214 (with amendment). To require the State Highway Commission to publish an itemized quarterly statement, in one paper in every county in the State of Alabama, showing all receipts and disbursements of money handled by them, and to provide penalties for the violation of this act.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 192 (with an amendment). To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

Mr. Snodgrass, Chairman of the Standing Committee on Military, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 322 (with amendment). To amend Sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this act." Approved September 19, 1919 and October 5, 1920.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that the Committee, in session, had acted on the following bill and returned same to the House with a favorable report with amendment:

H. 486 (with amendment). To regulate traffic at railroad grade crossings in Alabama, and to provide penalties for violations of the provisions of this Act.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that the Committee, in session, had acted on the following bills and returned same to the House with a favorable report:

H. 487. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

H. 506. To prohibit derogatory statements in regard to insurance companies, and to provide punishment therefor.

Mr. Graves, Chairman of the Standing Committee on Claims and Fees, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 293. To amend Section 6659 of the Code of 1907.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 407 (with amendment). To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties and compensation; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate; and to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

H. 488. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer of said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

H. 463. To amend an act "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson County."

H. 410. To provide for the election of the County Superintendent of Education of and for Conecuh County, Alabama, by the qualified electors of said County, to prescribe the qualifications and duties of such officer and the length of time he shall hold office and to fix his compensation and how same shall be paid.

H. 502. For the relief of W. H. Long, ex-Sheriff of Washington County, Alabama, authorizing the payment to him of fees out of the Fine and Forfeiture Fund of Washington County, Alabama, that have been barred by reason that the claims were not filed within twelve months.

H. 499. To provide for the Town of Boaz and School District known as the Boaz School District, to manage and control the affairs of its public schools in said district school district. To provide for the election of a board of education by the Town Council of the Town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said Town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

H. 457. To require the County Board of Education of Henry County, Alabama, to make and publish an annual statement

showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said County; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act. .

H. 305. To repeal an Act to better provide for the working of the public roads in the Counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin County.

H. 504. To alter and fix the boundaries of the City of Selma, a municipal corporation in Dallas County, Alabama.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 309. To further regulate the descent and distribution of real, personal and mixed property in the State of Alabama.

H. 316. To give either party in a criminal or civil case where the same has been tried by a Judge without a jury and appealed to the Court of Appeals or Supreme Court and reversed the right to demand a trial by jury.

H. 522. To provide for the assessment and payment of costs in circuit courts in prosecutions by municipalities for violations of Municipal Ordinances in those cases in which a nol. pros. is entered, in cases where defendants are acquitted, and in cases where there is a conviction but costs are not collected from the defendant, and to prescribe the duties of the clerks of circuit courts relative to prosecutions by municipalities for violations of municipal ordinances."

H. 323. An Act to require all persons, firms, corporations and companies using or issuing coupons, script, punchouts, commissary checks, credit books, credit slips, cards, store orders or other evidence of indebtedness to pay laborers and employees for labor or evidence as amount due or to become due to laborers or employees or otherwise, in counties of two hundred and fifty thousand population or over according to the last Federal census or any subsequent Federal census, to redeem them at face value in good and lawful money of the United States in the hands of their employees, laborers or bona fide holders for value and provide legal remedy for collection of same in favor of said laborers, employees and bona fide holder for value and to prohibit the purchase or acquiring of such coupons, scripts, credit books,

credit slips, cards, punchouts, commissary checks, store orders in such counties, by any person, firm, corporation or company at a discount or for less than the face value and provide a penalty for the violation of any provisions of this act.

H. 278. To provide for safety to life and property in this State by prescribing standards and specifications governing the details of construction of steam boilers and their equipment; to prescribe rules and regulations for boilers installed for use in this State after this act becomes effective; to provide for the interchange between this state and other states of boilers complying with the provisions of this act; to prescribe rules and regulations for carrying out the provisions of this act; to provide penalties for the violation of this act.

H. 332. To define, regulate, and license real estate brokers and real estate salesmen; to create a State Real Estate Commission; and to provide a penalty for a violation of the provisions hereof.

H. 279. For the protection of the political and civil rights of employees. To make it unlawful for employers to prohibit the political activities of employees and to proscribe punishment for the violation of said act.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 408. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered them returned to the House with an adverse report:

H. 437. To amend Section 4494 of the Code of Alabama of 1907.

H. 485. To amend Section 4492 of the Code of Alabama of 1907.

H. 391. To amend Section 1035 of the Code of Alabama of 1907.

H. 445. To amend Section 2479 of the Code of Alabama of 1907.

H. 423. Relating to offenses against the personal relations of husband and wife.

H. 386. To confer additional jurisdiction upon officers authorized by law to take and certify acknowledgements and proofs of conveyances, and to ratify, validate and confirm the acts of such officers heretofore where acting on the boundary line of two or more counties, or within a quarter of a mile thereof.

Mr. Howze, Chairman of the Standing Committee on Mining and Manufacturing, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 65. To provide for safety to life and property in this State in the construction of steam boilers; prescribing rules and regulations for boilers used in this State which will be uniform with other States' rules now in existence, in order to provide for the free interchange of boilers between States; to provide penalties for violation of this Act.

H. 361. To provide for safety to life and property in this State by prescribing standards and specifications governing details of construction of steam boilers and steam boiler equipment; to provide for the revision and amendment of standards and specifications governing the details of construction of steam boilers and steam boiler equipment; to prescribe standards for steam boilers and steam boiler equipment installed for use in this State after this act becomes effective; to provide for the interchange between this State and other States of steam boilers complying with the provisions of this act; to prescribe rules and regulations for carrying out the provisions of this Act; to provide penalties for the violation of this Act.

RECESS.

On motion of Mr. Long the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

BILLS INDEFINITELY POSTPONED.

On motion of Mr. Gaines,

H. 111. To regulate the sale of watermelons in this State: To require watermelons to be sold in this State in carload lots to be weighed and counted and statement thereof in writing to be executed; and to provide certain exceptions from the applica-

tion of the law and to provide punishment for failure to comply with the act and for false statements made.

Was indefinitely postponed.

On motion of Mr. Sessions

H. 409. To amend Section Two of an "Act to provide for holding terms of the Circuit Court of Coffee County twice each year, at both Elba and Enterprise, in said County; to define the jurisdiction of the court held at each place; to provide for transferring cases from one place to the other; to repeal all laws of a local character in conflict with or repugnant to this act."

Was indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

The Governor's message containing the proposed amendment being in the following words and figures:

Message to the House of Representatives:

I herewith return to you House Bill 74 without my approval.

My objection to the bill is that the open season for hunting turkey gobblers should be extended to include the month of March. If the bill is amended so as to allow the hunting, taking and killing of turkey gobblers in the month of March of each year it will meet my approval. I, therefore, suggest the following amendment to the bill, which will cure it of my objection:

"Strike out 'February 1st' where it occurs at the end of the ninth line of the bill and insert in lieu thereof 'April 1st.'"

Respectfully submitted,

Wm. W. Brandon,
Governor.

July 24, 1923.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 26; nays, 0.

And said bill, as thus amended, was again read a third time at length and passed by the Senate by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 28 nays, 0.

And said bill, together with the Governor's message, is herewith returned to the House.

J. E. Speight,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the fol-

lowing enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

H. 13. To provide for the residence of persons who are elected as members of the County Board of Education of Escambia County, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

H. 149. Empowering the Clerk of the Circuit Court of the county of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties; returnable before the Judge of the County Court.

H. 6. To provide for the election of a county superintendent of education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

H. 236. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

H. 259. To abolish the office of Deputy Solicitor of Coffee County, Alabama, and to repeal all laws, general, special or local in conflict with the provisions of this Act insofar as they relate to Coffee County, Alabama.

Lee Glenn,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Received for by Governor July 26, 1923, at 3:00 P. M.

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Also:

H. 13. To provide for the residence of persons who are elected as members of the County Board of Education of Escambia County, and to designate or create the district in which each member of said Board shall reside, and from which they shall be elected.

Also:

H. 149. Empowering the Clerk of the Circuit Court of the County of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the Judge of the County Court.

Also:

H. 6. To provide for the election of a county superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

Also:

H. 236. To repeal an act entitled "An act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Also:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Also:

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Coffee county, Alabama.

J. H. Stewart,
Clerk.

JOINT SESSION.

Under a Joint Resolution heretofore adopted, the two Houses met in Joint Session to hear the addresses of United States Senator Dial of South Carolina, and Hon. Angus McLean of North Carolina. The purpose for which the Joint Session was held having been accomplished, the Senate repaired to its Chamber.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill and find same correctly engrossed, to-wit:

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until 10 o'clock tomorrow morning.

 TWENTY-FOURTH DAY.

House of Representatives,
Friday, July 27th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Bob Jones of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:

Mr. Speaker	Bowen, Lewis	Coleman	Fanning
Adams	Bowen, L. K.	Cook	Ferrell
Adcock	Boykin	Culver	Fite
Allen	Burns	Deloney	Forman
Arrington	Burton	Dickinson	Gaines
Ashcraft (Fayette)	Byars	Dowdle	Glenn
Ashcraft (Lauderd'l)	Calloway	Dunwoody	Glover
Bealle	Cato	Elliott	Goode
Blackwell	Christian	Embry	Goodwyn

Graves	Kilborn	Patterson	Sollie
Grove	Kilpatrick	Pickens	Stewart (Bibb)
Guy	Lee	Poole	Stewart (Calhoun)
Hall	Letson	Posey	Thompson (Etowah)
Hampton	Long	Powell	Thompson (Jackson)
Hatter	Love	Ringer	Tiller
Hawkins	Luck	Rountree	Tunstall
Henley	McDaniel	Rutherford	Tyson
Henson	McGowen	St. John	Verner
Hodgson	Melton	Sanders (Conecuh)	Walker
Holcombe	Mooneyham	Sanders (Pike)	Wall
Hornsby	Moorer	Sessions	Walton
Howard	Moxley	Smith (Clay)	Ware
Howze	Nichols	Smith (Jefferson)	Mrs. Wilkins
Hubbard	Norman	Smith (Lee)	Wyatt
Jeter	Odom	Snodgrass	Young
Jones	Parker		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Third Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Twenty-Third Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Williams and Varner for today.

On motion of Mr. St. John, Mrs. Wilkins was appointed a member of the Reception Committee of the House and Senate, on the occasion of the visit of Hon. Oscar W. Underwood, on the occasion of his address to a Joint Session of the two Houses on Tuesday, July 31st.

RESOLUTIONS.

The following resolution was introduced:

By Mr. Long:

H. J. R. 81. Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today that they stand adjourned until Monday, July 30th, at 2 o'clock P. M.

The rules were suspended and the resolution was adopted.

The following resolutions were introduced and referred to the Standing Committee on Rules:

JOINT RESOLUTION.

By Mr. Long:

H. J. R. 82. Whereas the contracts used by the New York and the New Orleans Cotton Exchanges, in Cotton Futures transactions, is a Seller's Option contract, giving all the optional advantages both as to time and grade of delivery, to the sellers, whose interest it is to depress the price of cotton;

And whereas such seller's option contracts by making uncertain the grades of cotton tenderable under them injects a gambling hazard into the transactions of said Exchanges, and makes easier the manipulation of the price of cotton;

And whereas such seller's option contracts place every disadvantage and hazard of the option upon the buyers, whose interest it is to raise the price of cotton;

And whereas if such transactions are to be permitted to continue it is manifestly but just to all, and especially to cotton producers that these discriminations, uncertainties, and gambling hazards be eliminated from such contracts;

And whereas, the principles incorporated in what is commonly known as "the Dial Amendment" to the Cotton Futures Act would in part remove from these contracts the discrimination in favor of sellers and would in part remove the hazard upon buyers and would in part remove the uncertainty and gambling element in such transactions and make less easy the manipulation of the price of cotton in said exchanges;

Therefore, be it resolved by the House, the Senate concurring, that the Legislature of Alabama endorses the principles incorporated in the Dial Amendment to the Cotton Futures Act, and urges the Senators and Representatives of Alabama in the Congress of the United States to use every honorable effort to enact said principles into the law of the land.

Be it further resolved that the clerk of the House transmit a copy of this resolution to each of said Senators and Representatives.

By Mr. Henley:

H. R. 83. Resolved by the House that the Recess Code Committee be hereby requested to reconvene and eliminate from the proposed Code the provision giving free railroad passes to the State Tax Commission.

COMMITTEE ASSIGNMENTS.

The Speaker announced the following committee assignments:

Mr. Holcombe was named on the following Standing Committees: Public Roads and Highways, Public Health, Rules, and Claims and Fees.

Mr. Kilborn was named on the following Standing Committees: Judiciary, Banking and Insurance and Local Legislation.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Stewart of Bibb:

H. 556. To fix the compensation of the several State executive officers of departments and boards, subordinate officers, clerks, watchmen and servants.

Ways, Means and Appropriations.

By Mr. Walton:

H. 557. To provide that women shall be members of the Board of Trustees or other like governing body of every State institution having custody or control of Women, Children or Women and Children. Provided, this Act shall not apply to Boards of Trustees the selection of whose membership is specifically provided for in the Constitution.

Revision of Laws.

By Mr. L. K. Bowen:

H. 558. To provide for the election of Boards of Education in counties in the State of Alabama with populations of two hundred thousand or more according to the Federal Census of 1920 or any subsequent Federal Census to prescribe the time and manner for holding elections therefor; to prescribe the powers of such Boards of Education; to prescribe the terms of office of the members of such Boards of Education; and to provide for the repeal of conflicting laws or legislation.

Education.

By Mr. Letson:

H. 559. To amend Section 797 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Ashcraft of Lauderdale:

H. 560. To create a Building Committee to be composed of members of the present Alabama Memorial Commission, to contract for, to supervise the building of, and to be clothed with full authority and power for and in behalf of the State of Alabama to acquire land and provide a building to be known as the Alabama Memorial Building, which building shall commemorate Alabama's part in the World War, and to consummate the form and design of the memorial as provided in Sec. 3 of the Act approved February 3, 1919 creating the Alabama Memorial Commission, and to provide an appropriation for the build-

ing, and to provide other necessary means for the erection of said building.

Ways, Means and Appropriations.

By Mr. Calloway :

H. 561. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

Judiciary.

By Mr. Burns (By request) :

H. 562. To authorize State of Alabama to co-operate with other cotton producing states in the work of the cotton states commission providing for the appointment of representation on said commission and for other purposes. "Whereas, the governors of a number of the cotton growing states in the United States have heretofore appointed commissioners representing their respective states on a commission to be known as the "Cotton States Commission" organized for the purpose of providing for a general organization through which the government of all said states may advise with each other and with the Department of Agriculture of the Federal government, in respect to certain problems relating to the production and marketing of cotton such as the control of insect pests, a uniform system of warehousing, and a system of financing the farmer during the periods of production and marketing, as well as other problems of like character, and whereas, experience has demonstrated that these common problems cannot be completely solved under our dual system of Federal and State governments without co-operative action on the part of the various State governments as between themselves and also in conjunction with the Federal government, and whereas, at conference of said commissions, held first in New Orleans in February, 1922, and later in Memphis in nineteen hundred twenty-two it was recommended that the Legislatures of said States adopt a statutory plan of organization and providing for representation thereon, and whereas, at a conference of said commission held at Memphis, December 4th and 5th, 1922, a statutory plan substantially as hereinafter set out was approved and recommended by the said commission for

adoption as a uniform act by the Legislatures of the Cotton Growing States, and Whereas, it appears that certain matters of common concern, particularly in respect to insect pest control, are obviously of general welfare and necessity. Now, therefore,
Agriculture.

By Mrs. Wilkins:

H. 563. To make an appropriation for the maintenance of County High Schools and for high school supervision.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 564. To make an appropriation for exceptional education including the removal of adult illiteracy.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 565. To make appropriations for the maintenance of the summer quarters of the State Normal Schools for white teachers located at Florence, Jacksonville, Livingston and Troy, and of the State Normal School for Negroes, located at Montgomery.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 566. To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 567. "To amend Section 6 of an Act entitled 'An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920) entitled 'An Act to Provide for the Promotion of Vocational Rehabilitation of Persons Disabled in Industry or otherwise and their return to civil employment,' to provide for the administration of same, and to make appropriations for these purposes: * * *," approved October 6, 1920.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 568. To make an appropriation for printing blanks, records and other forms, bulletins and manuals which are by law authorized to be supplied to the counties by the State Board of Education; and for the purchase of stationery, postage and miscellaneous supplies required in the performance of this and other services.

Ways, Means and Appropriations.

By Mrs. Wilkins:

H. 569. To change the name of the Educational Revolving Fund to that of Equalizing Fund.

Education.

By Mr. Burns:

H. 570. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein: the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the Board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a Board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said Board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees, stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an Agricultural Fund in the State Treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropria-

tion bills, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Agriculture.

By Mr. Burns:

H. 571. To provide for the establishment of demonstration farms at or near each of the several state secondary agricultural schools of Alabama, to provide for physical plants and equipment for such farms, to make appropriations for the maintenance thereof, and to provide for their management and control.

Agriculture.

By Mr. Burns:

H. 572. To establish and maintain branch agricultural experiment stations, one upon each of the large soil types of the state as represented in the Tennessee Valley, Appalachian Plateau, upper coastal Plain, Black Belt, the Wire Grass Section, and the Fruit and Trucking section of the lower coastal plain; to make it the duty of a commission, consisting of the director of the experiment station as chairman, the Governor of the State of Alabama, the Commissioner of Agriculture and two successful farmers appointed by them, to locate the branch Stations; to make it the duty of the board of Trustees of the Alabama Polytechnic Institute to administer such branch agricultural experiment stations and to provide for carrying on investigations thereat, and to appropriate money for the expenses thereof; to authorize the Board of Trustees of the Alabama Polytechnic Institute to receive donations of land, houses, money or other things of value for the purpose of this act from individuals, firms, organizations, corporations, or county municipal authorities. Whereas, it is recognized that the soils and climates of the State of Alabama vary to such an extent as to make it impossible for all the agricultural research problems to be studied at any single point; and, Whereas, additional funds are necessary and additional lands and equipment are required by the Board of Trustees of the Alabama Polytechnic Institute for successfully conducting investigations and experiments along the line of general and local agricultural problems; therefore,

Agriculture.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 520 (with amendment). To make it the duty of the Clerk of the Circuit Court to file and record in his office certain papers in proceedings for the writ of habeas corpus, when such proceedings are before a Judge of the Circuit Court and are heard in the county of such Clerk, and to prescribe his fees therefor.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 130. To repeal an act entitled "An Act to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of

disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act,' approved September 28, 1915."

S. 184. To alter or re-arrange the boundaries of the City of Dothan, Houston County, Alabama.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 31 (with substitute). To empower municipal corporations to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a zoning commission, and the power, jurisdiction and authority thereof; to provide for a Board of Zoning Adjustment, and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure, and a review of its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this act.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to

authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 462 (with amendment). To provide for and regulate the assessment, levy and collection of municipal taxes of the city of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 541. To repeal the charter of the Town of Lipscomb, Jefferson County, Alabama, and to dissolve the municipal corporation of said town, and to provide for the disposal of its corporate property.

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the Town of Brighton, Alabama;" approved September 29, 1919.

H. 357. To provide an official court reporter for the Bessemer division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

H. 545. To amend section one of an act entitled "An Act to amend section one of an act entitled 'An Act to incorporate the town of Sulligent in the county of Lamar, State of Alabama,' approved February 12th, 1897," approved March 4th, 1907, so as to fix, define and enlarge the boundaries of the said Town of Sulligent.

H. 414. To provide and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale County, Alabama, or to the State of Alabama, for the use of Dale County.

S. 166. To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described, as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south, that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Chocaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to

205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

S. 167. To authorize the Board of City Commissioners of the City of Tuscaloosa to vacate and close that portion of 22nd Avenue in said City which lies between 12th Street on the North and 13th Street on the South.

S. 221. To authorize and empower County Boards of Education and City Boards of Education to appropriate and use any district three mill tax that has been or may hereafter be voted

in any School District to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose.

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Mr. Smith of Lee, Acting Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama, by the qualified voters of said county.

Mr. Howard, Chairman of the Standing Committee on County and County Boundaries, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 475. To arrange the boundary between Elmore and Montgomery Counties.

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Walton, Chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said Committee, in session, had acted on the following bills and ordered them returned to the House with an adverse report:

H. 218. To provide that certain convicts may devote a portion of their labor while in the penitentiary to the support of destitute dependents.

H. 341. To further regulate the use, hire and control of convicts.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered it returned to the House with an adverse report:

H. 324. To provide for the appointment of County Health Officers in counties of one hundred and fifty thousand population or more according to the last Federal Census or which may hereafter have such population, to fix their salaries, define their duties and to provide necessary assistants to said Health Officers.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 81. Relative to adjournment of the two Houses until Monday, July 30th, at 2:00 o'clock P. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Overton:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Also:

By Mr. Waddell:

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Also:

By Mr. Waddell:

S. 249. To provide for appeals from the recorder's court of other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Also:

By Mr. Waddell (with notice and proof):

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the

town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

CONSOLIDATION BILL.

Notice is hereby given that the following bill will be introduced in the July 1923 session of the present Legislature for passage by the same:

A BILL

To be entitled An Act to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of Phenix City in the county of Lee and the State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city all that territory lying within the county of Lee and that territory lying within the county of Russell, which are included in the following boundaries, to-wit: All lands embraced within the following boundaries described as follows: Beginning at a point in Lee county, Alabama, where the east and west half section line of section two intercepts the west bank of the Chattahoochee river and running west along the said half section line to the west line of section three; thence south along the west line of section three, ten, fifteen, twenty-two and twenty-seven to the east and west half section line of twenty-seven in Russell county, Ala.; thence east along the half section line of sections twenty-seven and twenty-six to the west bank of said Chattahoochee river; thence along the west bank of the Chattahoochee river in a northerly direction to the point of beginning; all in township 17, range 30, Alabama.

Section 2. That the boundaries set out in section 1 of this Act be and the same are hereby established as the corporate limits of the city of Phenix City, Alabama, and the territory now included within the city of Girard, Alabama, and the other territory hereinbefore described shall hereafter be and constitute a part of the city of Phenix City, Alabama.

State of Alabama, }
Lee County. }

Before me, J. Boyd Bevis, a Notary Public in and for said State and county, personally appeared Curtis H. Smith, who, being first duly sworn, deposes and says that he is publisher of the Brandon Times, a newspaper published in Lee county, Alabama, and which is a weekly newspaper, that a notice of a bill to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama, a copy which is hereto attached, was inserted in said Brandon Times, and has been published and has appeared regularly in four consecutive issues of said paper, namely: June 28th, July 5th, July 12th and July 19th, 1923.

Curtis H. Smith.

Sworn to and subscribed before me this 20th day of July, 1923.

(Seal)

J. Boyd Bevis,
Notary Public.

THE CONSOLIDATION BILL.

Notice is hereby given that the following bill will be introduced in the July 1923 session of the present Legislature for passage by the same.

A BILL

To be entitled An Act to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Phenix City in the county of Lee and the State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city all that territory lying within the county of Lee and that territory lying within the county of Russell, which are included in the following boundaries, to-wit: All lands embraced within the following bounds described as follows: Beginning at a point in Lee county, Alabama, where the east and west half section line of section two intercepts the west bank of the Chattahoochee river and running west along the said half section line to the west line of section three; thence south along the west line of sections three, ten, fifteen, twenty-two and twenty-seven to the east and west half section line of twenty-seven in Russell county, Alabama; thence east along the half section line of sections twenty-seven and twenty-six to the west bank of said Chattahoochee river, thence along the west bank of the Chattahoochee river in a northerly direction to the point of beginning; all in township 17, range 30, Alabama.

Section 2. That the boundaries set out in section 1 of this Act be and the same are hereby established as the corporate limits of the city of Phenix City, Alabama, and the territory now included within the city of Girard, Alabama, and the other territory hereinbefore described shall hereafter be and constitute a part of the city of Phenix City, Alabama.

State of Alabama, }
Russell County. }

Before me, Isabel A. Moses, a Notary Public in and for said State and county, personally appeared I. I. Moses, who, being first duly sworn, deposes and says that he is publisher of the Phenix-Girard Journal, a newspaper published in Russell county, Alabama, and which is a weekly newspaper, that a notice of a bill to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama, a copy of which is hereto attached, was inserted in said Phenix-Girard Journal, and has been published and has appeared regularly in four consecutive issues of said paper, namely: June 28th, July 5th, July 12th, and July 19th, 1923.

I. I. Moses.

Sworn to and subscribed before me this 20th day of July, 1923.

(Seal)

Isabel A. Moses,
Notary Public.

Also:

By Mr. Ellis (with notice and proof):

S. 268. To establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to de-

fine the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

With notice and proof thereto attached and herewith exhibited as follows:

BILL FOR INFERIOR COURT.

Notice is hereby given that at the next session of the Legislature of Alabama in July, 1923, a bill to establish an inferior court in precinct 36, Selma, Dallas county, Alabama, will be presented for passage. Said bill is in substance as follows:

A bill to be entitled an Act to establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justice of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom, to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge, and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of the peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace court in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Be it enacted by the Legislature of Alabama.

Section 1. That there is hereby established an inferior court in precinct number 36 in Dallas county, Alabama, which shall be known and designated as "The Court of Common Pleas of Selma," and which shall be in lieu of all justices of the peace and notaries public with power of justice of the peace, in said precinct. It shall have the jurisdiction now held by justices of the peace or that may hereafter be conferred by law on justices of the peace, or on said court, and the judge of said court shall have and exercise all the power and authority and perform all the duties now prescribed by law, for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now apply by law to justices of the peace.

Section 2. Be it further enacted, that there shall be a judge of said court, said judge shall at the time of his election or appointment be a resident of Dallas county, Alabama, be at least twenty-one years of age and shall within the State of Alabama have been admitted to the practice of law. The first judge of said court shall be appointed by the Governor of Alabama and such appointee shall hold his office until the regular election for State and county officers in the year 1924 and until his successor is elected and qualified. The said judge of said court shall hold office for a term of four years, and until his successor is elected and qualified.

Section 3. Be it further enacted, that at the regular election for State and county officers in the year 1924 and each four years thereafter, there shall be elected a judge of said court by the qualified electors of said precinct 36. All vacancies in the office of said judge of said court shall be filled by appointment by the governor, and such appointee so appointed shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. Be it further enacted, that such office shall be considered a county office within the meaning of election and other laws of Alabama.

Section 5. Be it further enacted, that the judge of said court shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the inferior court fund upon warrant drawn upon the county depository by the probate judge of Dallas county, Alabama. In the event there is not sufficient money in said fund to pay the salary of the judge within any particular month, the said judge shall be entitled to draw out of said fund in any month that sufficient funds are in said inferior court funds any back salary that may be due, provided, however, that no salary shall be paid any judge after his term of office has expired, unless there be a sufficient amount of money in said inferior court fund at the time of the expiration of his office. No money shall be paid out of said fund except for salary of said judge and expenses of said court.

Section 6. Be it further enacted, that the judge of said court shall give bond in the penal sum of two thousand dollars payable to the county of Dallas, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by and filed in the office of the probate judge of said county, and also conditioned to pay over all money to the proper officer or persons to whom it is payable, and to faithfully account for all money coming into his hands by virtue of his office.

Section 7. The sheriff, coroner or special and deputy county solicitor shall perform the same duties in relation to the said court of common pleas as now devolve on them by law in relation to the circuit court of Dallas county, Alabama.

Section 8. It shall be the duty of the judge of said court to keep a docket of all the cases brought before this court such as is now required by law to be kept by all justices of the peace. The judge shall have authority to issue all necessary summons upon complaint being filed, in said court and all other process which justices of the peace are required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said court. It shall be the duty of said judge to tax and collect in each case the same costs and fees for the services of judge, sheriff and witnesses as are provided under the laws of Alabama for justices of the peace and sheriffs. The sheriff's fees collected by said court shall be paid to the sheriff on the first Monday of each month. Any money paid to said judge on judgments rendered in said court shall be paid to the plaintiff or his attorney on demand. All the costs and fees allowed the judge of said court and all the witness fees and all fines and forfeitures assessed in said court shall be collected by the said judge and all the fees allowed the judge and all fines and forfeitures collected by said judge shall be paid by said judge on the first Monday of each month into a special fund of the county treasury to be known as the inferior court fund which is hereby created and which the custodian of county funds shall keep separate and apart from all other funds

of said county provided that the witness fees assessed and collected by the judge shall be retained by him and paid over to the witness entitled to the same. Any witness fees in hands of said judge uncalled for within one month after receipt by him shall be paid by him into said inferior court fund.

Section 9. The witnesses in all cases in said court shall be entitled to the same fees, to be collected in the same manner by the judge of said court and paid over to him by the witnesses entitled to the same as provided in like cases before justices of the peace by the laws of the State of Alabama.

Section 10. The fees allowed constables and sheriffs in said precinct for service in justice of the peace courts shall be taxed and collected as now provided by law in each case, and paid over by said judge to the sheriff of Dallas county, Alabama, as hereinbefore provided.

Section 11. All processes of whatever kind or nature issued out of said court shall be addressed to any lawful officer of Dallas county, and shall be executed by the sheriff of Dallas county, Alabama, or one of his deputies.

Section 12. From any judgment of said court the defendants in criminal cases or the plaintiffs or defendants in civil cases shall have the right of appeal to the circuit court of Dallas county under the same regulations and requirements as now govern appeals from the courts of justices of the peace in the State of Alabama, and the bond furnished or required in such cases shall be governed by the same laws as now regulate appeals from the courts of justice of the peace in the State of Alabama.

Section 13. The forms to be used in said court shall be the same as prescribed by the Code of Alabama of 1907 for justices of the peace, but they shall not be the exclusive forms used, and any forms sufficient at common law or under the statute, or any forms provided in said Code for similar or analogous proceedings in said court. All dockets, printed forms, and other stationery required by the said court shall be furnished and paid for by the county of Dallas out of the said inferior court fund on warrant drawn by the probate judge of Dallas county, Alabama.

Section 14. Each month after the payment of the salary of the judge of said court, and other expenses of said court, the probate judge of Dallas county, Alabama, shall issue a warrant to the sheriff of Dallas county, Alabama, for any fees due him in criminal cases where the costs have not been paid and the defendant has performed hard labor for Dallas county; provided that said warrant shall not be for more money than is left in said inferior court fund and in no event shall be for more than fifty dollars in any one month.

Section 15. The judge of said court shall be permitted to practice law in all courts provided, however, that said judge shall not practice in the said court of common pleas of Selma and shall not practice in any case originating in or passing through the said court of common pleas of Selma.

Section 16. All laws affecting or regulating the practice in courts of justice of the peace of Dallas county shall be applicable to the court hereby established, and all certificates of judgment of said court may be recorded as now provided for certificates of judgment of justices of peace. Said judgments shall be a lien when recorded as now provided for justice of the peace judgments in Dallas county, Alabama.

Section 17. It shall be the duty of the court of county commissioners of Dallas county to provide a proper place for holding said court and to provide for the comforts and necessary blanks, stationery, dockets and books which shall be paid for out of said inferior court fund on warrant drawn by the probate judge of Dallas county, Alabama.

Section 18. Be it further enacted, that thirty days after the approval of this Act the terms of office of all justices of the peace in said precinct 36 shall expire and said office of justice of the peace in said precinct shall be abolished, and the dockets, official papers and records of all kinds of their respective offices shall be delivered to the judge of the court of common

pleas of Selma by said justices and all causes pending in said justice courts shall be by such delivery transferred to the said court of common pleas, and executions and other process for the collections of judgments of said justice courts may be issued from said court of common pleas including executions for costs, and upon the collection of costs in any case accrued before said transfer the judge of said court of common pleas shall pay said costs to the justice of the peace or constable entitled thereto and shall take a receipt therefor, which shall be entered on the docket of said cause.

Section 19. Be it further enacted, that at the expiration of thirty days after the approval of this Act the terms of office of all justices of the peace and notaries public with powers of justice within the said above described territory shall expire, and said office of justice of the peace be abolished in the said precinct, and there shall hereafter be no justices of the peace elected or appointed for the said precinct and no notaries public with powers of justice of the peace and the said court of common pleas created by this Act shall be in lieu of all the justices of the peace or notaries public with powers of justice of the peace in the said precinct.

Section 20. In the event that the judge of said court is for any reason disqualified from acting or in the event of the absence from the city of said judge, the judge of probate of Dallas county, Alabama, shall appoint an acting judge to try such cases as the judge of said court may be disqualified to try and in the event of the absence from the city of said probate judge, the judge of the circuit court of Dallas county, Alabama, shall appoint said acting judge.

Section 21. If any section or provision of this Act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision therein which is not in and of itself void or unconstitutional.

Section 22. All laws and parts of laws, general, local, or special, contrary to the provisions of this Act are hereby repealed.

The State of Alabama, }
The County of Dallas. }

Before me, M. E. Frohlich, a Notary Public in and for said county and State, this day personally came F. T. Raiford, known to me to be the editor and publisher of the Selma Times Journal, a daily newspaper published in Selma, Dallas county, Alabama, who being by me first duly sworn deposes and says that he is the editor and publisher of the Selma Times Journal, a daily newspaper published in Selma, Dallas county, Alabama; that the attached notice to establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

F. T. Raiford.

Sworn to and subscribed before me this 18th day of July, 1923.

(Seal)

M. E. Frohlich,
Notary Public, Dallas County, Alabama.

Also:

By Mr. Adams (with notice and proof) :

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, proc-

esses and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the proposed local law as below set out will be introduced at the present (1923) session of the Legislature of Alabama.

A BILL

To be entitled an Act to abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That the county court of Chilton county provided for in and by article 3, chapter 198 of the Code of Alabama of 1907, and re-established by the provisions of an Act approved September 25, 1915, be and the same is hereby abolished and its jurisdiction annulled.

Section 2. It is hereby made the duty of the clerk of said county court to transfer to the circuit court of Chilton county all cases of every kind and description pending in said county court at the date of the approval of this Act, together with all papers, records, processes and everything pertaining to said cases so transferred to the circuit court of Chilton county, and said cases so transferred to the circuit court of Chilton county shall stand for trial therein as if originally filed or begun therein and the said circuit court of Chilton county shall have the same jurisdiction and powers in regard to said cases and all papers, records, processes and everything pertaining to such cases, as the said county court now has in reference thereto.

Section 3. That from and after the passage of this Act prosecution of persons charged with misdemeanors in Chilton county may be begun by affidavit made before the clerk of the circuit court of Chilton county, and that thereupon the jurisdiction of the circuit court of Chilton county shall attach and the case shall proceed to trial and judgment under the same rules and procedure as provided by the law in misdemeanor cases. Nothing in this Act shall be construed as to in any manner interfere with or affect pros-

ecutions for misdemeanors upon indictment found by the grand jury in the circuit court of Chilton county.

Section 4. That in all misdemeanor cases commenced by affidavit in the circuit court of Chilton county, as above provided, the issue and question of fact shall be tried by the judge of the court without the intervention of a jury except in cases where a trial by jury is demanded in writing by the defendant, and such written demand filed in the cases with the clerk of the court on or before the first sounding of the case, if the case is sounded within thirty days after the making of the affidavit, and if such case is not sounded within thirty days after defendant has been arrested or taken into custody after the making of the affidavit, then such written demand must be filed with the clerk within 30 days after the defendant has been arrested or taken into custody after making of the affidavit. A failure to demand in writing a trial by jury as herein provided shall be held and deemed to be a waiver by the defendant of a trial by jury.

Section 5. That in the trial of any criminal case in the circuit court of Chilton county commenced by affidavit as herein above provided, by the judge of the court without the intervention of a jury, the defendant may present for review by bill of exception the conclusions and judgment of the court on the evidence and the court of appeals or the supreme court shall review the same without any presumption in favor of the court below, and if there be error shall reverse and remand the same for further proceedings in the circuit court, and if there be no error, shall affirm the same.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act in so far as the same apply to Chilton county be and the same are hereby repealed.

Section 7. This Act shall become effective immediately after its approval.

The State of Alabama, }
Chilton County. }

Personally appeared before me the undersigned authority, in and for said county in said State, W. B. Corley, who having been by me first duly sworn, deposes and says as follows: That he is editor and publisher of the Chilton County News, a newspaper published at Clanton, in Chilton county, Alabama; that said Chilton County News is a weekly newspaper; that the printed notice which is pasted to and attached to this affidavit has been duly published in and appeared in the regular issue of said Chilton County News, once each week, for four consecutive weeks, in the issues of the dates, as follows: June 28th, July 5th, July 12th and July 19th, all in 1923.

Sworn to and subscribed before me, this the 23rd day of July, 1923.

(Seal) Lawrence F. Gerald,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Commerce and Common Carriers, S. 193.

Revision of Laws, S. 248, S. 249, S. 289.

Local Legislation, S. 268, S. 278.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

H. 298. To amend section 15 of an Act approved September 25th, 1915 to establish a board of revenue for Monroe county, Alabama, and prescribing for the members thereof all the duties of the court of county commissioners of said county; to provide for the appointment and fix the term of office of the members of said board of revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

J. E. Speight,
Secretary.

RECOMMITTAL OF BILL.

On motion of Mr. Fite the bill:

H. 408. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Was taken from the Adverse Calendar and recommitted to the Standing Committee on Local Legislation.

SPECIAL ORDER.

The House proceeded to the consideration of the Special Order, which was the bill,

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

Mr. St. John offered the following amendment to the bill:

Amend said bill by adding to Section 6 thereof the following:

"If any member of said board is a party to the preferment of charges for disbarment or suspension of any lawyer, or there exists as against any member of such board any cause provided by law for the disqualification of judges or jurors in civil or criminal cases, such member shall be disqualified from sitting as a member of said board in the hearing of such charges.

Said board shall have no authority, nor shall it in any way undertake to regulate the fees or charges of lawyers for the rendition of their professional services."

And the amendment was adopted.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Kilpatrick	Sessions
Adams	Gaines	Letson	Smith (Clay)
Adcock	Glenn	Luck	Smith (Lee)
Allen	Goode	McDaniel	Snodgrass
Ashcraft (Fayette)	Goodwyn	McGowen	Stewart (Bibb)
Ashcraft (Lauderd ⁿ)	Graves	Melton	Stewart (Calhoun)
Bealle	Grove	Mooneyham	Thompson (Etowah)
Bowen, Lewis	Guy	Norman	Tiller
Bowen, L. K.	Hatter	Odom	Tunstall
Boykin	Henley	Parker	Tyson
Burton	Henson	Patterson	Verner
Byars	Hodgson	Poole	Walker
Deloney	Holcombe	Posey	Wall
Dickinson	Howard	Ringer	Walton
Embry	Howze	Rountree	Ware
Fanning	Jeter	Rutherford	Wyatt
Ferrell	Jones	St. John	Young
Fite	Kilborn	Sanders (Pike)	

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And the bill,

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

Was read a third time at length and passed.

Yeas, 73; nays, 8.

*Yeas:**Messrs:*

Mr. Speaker	Ferrell	Love	Smith (Jefferson)
Adams	Forman	Luck	Smith (Lee)
Adcock	Glenn	McDaniel	Snodgrass
Allen	Goode	Melton	Sollie
Arrington	Goodwyn	Nichols	Stewart (Bibb)
Ashcraft (Fayette)	Graves	Norman	Stewart (Calhoun)
Ashcraft (Lauderd'l)	Grove	Parker	Thompson (Etowah)
Bealle	Hampton	Patterson	Thompson (Jackson)
Blackwell	Hatter	Pickens	Tiller
Bowen, Lewis	Hodgson	Poole	Tunstall
Bowen, L. K.	Holcombe	Posey	Verner
Burton	Howard	Powell	Walker
Calloway	Howze	Rountree	Wall
Cato	Jeter	Rutherford	Walton
Cook	Jones	St. John	Ware
Deloney	Kilborn	Sanders (Pike)	Mrs. Wilkins
Dickinson	Kilpatrick	Sessions	Wyatt
Embry	Letson	Smith (Clay)	Young
Fanning			

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*Nays:**Messrs:*

Boykin	Fite	Guy	Odom
Byars	Glover	Henson	Ringer

—8

On motion of Mr. St. John the bill H. 412 was ordered sent forthwith to the Senate without engrossment.

BILLS ON THIRD READING.

H. 371. To amend section 5896 of the 1907 Code of Alabama.
Was read a third time at length and passed.

Yeas, 52; nays, 4.

*Yeas:**Messrs:*

Mr. Speaker	Byars	Hatter	Powell
Adams	Calloway	Henley	Ringer
Adcock	Cato	Holcombe	Rountree
Allen	Cook	Howard	Sanders (Pike)
Ashcraft (Fayette)	Embry	Howze	Smith (Clay)
Ashcraft (Lauderd'l)	Fanning	Hubbard	Smith (Jefferson)
Bealle	Ferrell	Jeter	Smith (Lee)
Blackwell	Fite	Kilborn	Sollie
Bowen, Lewis	Gaines	Letson	Stewart (Calhoun)
Bowen, L. K.	Glover	McDaniel	Thompson (Etowah)
Boykin	Goode	Melton	Tyson
Burns	Goodwyn	Patterson	Varner
Burton	Grove	Poole	Walton

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*Nays:**Messrs:*

Deloney	Forman	Long	Norman
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—4

On motion of Mr. Ashcraft of Lauderdale, the bill H. 371 was ordered sent forthwith to the Senate without engrossment.

H. 100 (with amendment). To prohibit any public officer of this State from receiving any salary, allowances, fees or compensation other than over and above that prescribed by law as the salary of the chief office to which such officer may have been or may hereafter be elected or appointed; to prevent the increase in compensation of such officer during their terms of office; and to provide a penalty for the violation of this act.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Claims and Fees, said committee amendment being as follows:

"That Section 4 of the bill be and it is amended to read as follows:

Section 4. This act shall take effect upon the expiration of present terms of office of those officers who would be affected thereby."

Mr. Long offered the following substitute for the bill and amendment:

Substitute for H. 100 by Mr. Long:

A BILL.

To be entitled an Act, to provide for the enforcement of the provisions of section two hundred and eighty of the Constitution of the State of Alabama; and to provide that no person shall hold more than one office of profit under this State with certain exemptions; to provide penalties for the violation thereof, and to define the terms thereof.

Section 1. Be it enacted by the Legislature of Alabama that no person except justices of the peace, constables, notaries public and commissioners of deeds shall be permitted to hold more than one office of profit at one and the same time under this State.

Section 2. Be it further enacted that every place of service to the State which is provided for by law of this State, which may be filled by election or appointment and for which a salary is provided by law or for which compensation is paid out of fund belonging to the State is hereby defined to be an office of profit under this State.

Section 3. Be it further enacted that the State Auditor shall be prohibited from approving more than one warrant issued to any one person for services rendered during the same period of time in violation of the provisions of this act, and the State Treasurer is hereby prohibited from paying any warrant issued in violation of this section; and it is hereby made the duty of the State Auditor to keep a check on the names of those who present warrants for pay for services rendered in any office of

profit or trust under this State and report any violations of this act to the Governor and to the Attorney General.

Section 5. Be it further enacted that each and every person in this State when qualifying for any office of profit under this State shall subscribe to an oath of office in which he shall be required to make oath that he at that time holds no other office of profit under this State. The form for which oath shall be prepared by the attorney general of the State who shall amend the present oath of office required for each and every office in the State to include a clause in compliance with this section.

Section 6. Be it further enacted that any person found guilty of violating any provision of this act shall be adjudged guilty of a high misdemeanor against the State and shall be punished by a fine of not more than (\$1,000) One Thousand Dollars or imprisonment for not more than two years one or both at the discretion of the trial court.

Mr. St. John moved to recommit the bill,

H. 100. To prohibit any public officer of this State from receiving any salary, allowances, fees or compensation other than over and above that prescribed by law as the salary of the chief office to which such officer may have been or may hereafter be elected or appointed; to prevent the increase in compensation of such officer during their terms of office; and to provide a penalty for the violation of this act.

Together with the pending amendment and the substitute offered by Mr. Long, to the Standing Committee on Judiciary.

And the motion prevailed.

Yeas, 47; nays, 39.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Smith (Lee)
Arrington	Glenn	Kilborn	Snodgrass
Ashcraft (Fayette)	Glover	Luck	Stewart (Calhoun)
Ashcraft (Lauderd ¹)	Goode	Melton	Tiller
Bealle	Goodwyn	Nichols	Tunstall
Bowen, Lewis	Graves	Odom	Tyson
Burns	Grove	Patterson	Verner
Calloway	Holcombe	Pickens	Walker
Dunwoody	Howard	Rountree	Wall
Embry	Howze	St. John	Walton
Fanning	Hubbard	Smith (Clay)	Mrs. Wilkins
Ferrell	Jeter	Smith (Jefferson)	

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Nays:

Messrs:

Adams	Boykin	Deloney	Hampton
Adcock	Burton	Dickinson	Henley
Allen	Byars	Fite	Henson
Blackwell	Cato	Guy	Kilpatrick
Bowen, L. K.	Cook	Hall	Letson

Long	Norman	Rutherford	Thompson (Etowah)
Love	Parker	Sanders (Pike)	Ware
Mooneyham	Poole	Sessions	Wyatt
Moorer	Posey	Sollie	Young
Moxley	Ringer	Stewart (Bibb)	

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And the bill,

H. 100. To prohibit any public officer of this State from receiving any salary, allowances, fees or compensation other than over and above that prescribed by law as the salary of the chief office to which such officer may have been or may hereafter be elected or appointed; to prevent the increase in compensation of such officer during their terms of office; and to provide a penalty for the violation of this act.

Together with the pending amendment and the substitute offered by Mr. Long, was recommitted to the Standing Committee on Judiciary.

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate. And to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate, as other moneys belonging to said counties are paid.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Henley	Pickens
Adams	Elliott	Henson	Poole
Adcock	Ferrell	Howze	Posey
Allen	Fite	Jeter	Rountree
Arrington	Forman	Jones	St. John
Bealle	Gaines	Lee	Sessions
Blackwell	Glenn	Letson	Sollie
Boykin	Glover	Long	Tiller
Burns	Goode	Love	Tunstall
Burton	Goodwyn	Luck	Tyson
Byars	Graves	McGowen	Verner
Calloway	Grove	Melton	Walker
Cato	Guy	Moorer	Wall
Cook	Hall	Norman	Ware
Culver	Hatter	Odom	Wyatt
Deloney	Hawkins	Parker	Young
Dickinson			

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended, as therein shown, and as amended, has passed the following House bill and returns same herewith to the House:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Goodwyn the House concurred in and adopted the Senate amendment to the bill H. 176, said Senate amendment being as follows:

Amend House bill No. 176 by striking out the words "Twenty-four" where they appear in Section 5 of the bill and insert in lieu thereof the words "Twenty-one."

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Hodgson	Odom
Adams	Fanning	Howard	Parker
Adcock	Ferrell	Howze	Poole
Allen	Fite	Jeter	Posey
Arrington	Forman	Jones	Ringer
Bealle	Gaines	Kilborn	Rountree
Blackwell	Glenn	Kilpatrick	St. John
Bowen, Lewis	Glover	Lee	Sollie
Bowen, L. K.	Goode	Letson	Tiller
Boykin	Goodwyn	Long	Tunstall
Burns	Graves	Love	Tyson
Burton	Grove	Luck	Verner
Byars	Guy	Melton	Wall
Cato	Hall	Moorer	Walton
Cook	Henley	Nichols	Ware
Deloney	Henson	Norman	Wyatt
Dowdle			

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REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 74. To amend section 6958 of the Criminal Code of Alabama, 1907.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

INDEFINITELY POSTPONED.

On motion of Mr. Howze the following bills,

H. 251. To amend section forty of an act of the Legislature approved September 25, 1915, entitled an act to make uniform the law of warehouse receipts, to define warehouse receipts and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment, transfer, or negotiation of such receipts, and to regulate the same.

H. 252. To amend section 47 of an act of the Legislature approved September 25, 1915, entitled an act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment, transfer, or negotiation of such receipts, and to regulate the same.

H. 253. To amend section 20 of an act of the Legislature approved September 25, 1915, entitled an act to make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to or connected with the issue, assignment, transfer, or negotiation of such receipts, and to regulate the same.

Were indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning House Bill No. 150.

Respectfully,
O. A. Adams,
Recording Secretary to Governor.

July 27th, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Smith of Jefferson the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 150, said Governor's amendment being as follows:

To the House of Representatives:

I am returning you herewith House Bill 150, entitled A Bill to regulate the office of sheriff in counties of 200,000 population or over, etc., without my approval.

The title of the bill among other things authorizes the sheriff to employ an attorney to advise and represent him, whose "commission" is to be fixed by the board of revenue, while the body of act provides that the "compensation" of such attorney shall be fixed by the Board of Revenue and paid out of the county Treasury.

If the title of the bill and the body of the bill be made to conform each to the other by an appropriate amendment, the bill would meet my approval. I, therefore, recommend that the bill be amended by striking out the word "commission" in the title of the bill where it occurs in the fourth line from the last and inserting in lieu thereof the word "compensation." With this amendment it would meet my approval.

I am in doubt, however, as to the constitutionality of certain provisions of the bill as to whether they could be made to apply to any other county than Jefferson without violating the uniform provisions of the Constitution as to fees and compensation of officers, but being in doubt I am willing to yield my doubt in favor of the Legislature as to this Constitutional question.

Respectfully submitted,

Wm. W. Brandon,
Governor.

July 27, 1923.

Yeas, 62; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Lee	Rountree
Adams	Glenn	Letson	St. John
Adcock	Glover	Long	Smith (Jefferson)
Allen	Goode	Love	Smith (Lee)
Ashcraft (Fayette)	Graves	Luck	Sollie
Bealle	Grove	McDaniel	Tiller
Bowen, Lewis	Guy	Melton	Tunstall
Bowen, L. K.	Hall	Moorer	Tyson
Boykin	Hatter	Moxley	Verner
Burns	Henley	Norman	Walker
Burton	Henson	Odom	Wall
Byars	Holcombe	Parker	Ware
Elliott	Howard	Poole	Mrs. Wilkins
Embry	Howze	Posey	Wyatt
Fanning	Jeter	Ringer	Young
Ferrell	Jones		

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Which was a majority of the whole number elected to the House.

And the bill,

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions to be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Was again read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jeter	St. John
Adcock	Dickinson	Jones	Sanders (Pike)
Ashcraft (Fayette)	Dunwoody	Kilborn	Sessions
Ashcraft (Lauderd'l)	Elliott	Kilpatrick	Smith (Clay)
Blackwell	Fite	Lee	Smith (Jefferson)
Bowen, Lewis	Forman	Letson	Snodgrass
Bowen, L. K.	Goode	Long	Sollie
Burns	Goodwyn	Luck	Tiller
Burton	Graves	McDaniel	Tunstall
Byars	Grove	McGowen	Tyson
Calloway	Hampton	Melton	Walker
Cato	Hatter	Patterson	Wall
Christian	Henley	Pickens	Walton
Coleman	Holcombe	Powell	Mrs. Wilkins
Cook	Howard	Ringer	Young
Culver	Howze	Rutherford	

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Which was a majority of the whole number elected to the House.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until July 30th at 2 o'clock P. M.

TWENTY-FIFTH DAY.

House of Representatives,

Monday, July 30th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. D. W. Bosdell of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Ferrell	Kilpatrick	St. John
Adams	Fite	Lee	Sanders (Concuh)
Adcock	Forman	Letson	Sanders (Pike)
Arrington	Gaines	Long	Sessions
Ashcraft (Fayette)	Glenn	Love	Smith (Clay)
Ashcraft (Lauderdal)	Glover	Luck	Smith (Jefferson)
Blackwell	Goode	McDaniel	Smith (Lee)
Bowen, Lewis	Goodwyn	McGowen	Snodgrass
Bowen, L. K.	Graves	Melton	Sollie
Boykin	Grove	Mooneyham	Stewart (Bibb)
Burns	Guy	Moorer	Stewart (Calhoun)
Burton	Hall	Moxley	Thompson (Etowah)
Byars	Hampton	Nichols	Tiller
Calloway	Hatter	Norman	Tunstall
Christian	Henley	Odom	Tyson
Coleman	Henson	Parker	Varner
Cook	Hodgson	Patterson	Verner
Culver	Holcombe	Pickens	Walker
Deloney	Hornsby	Poole	Wall
Dickinson	Howard	Posey	Walton
Dowdle	Howze	Powell	Ware
Dunwoody	Hubbard	Ringer	Mrs. Wilkins
Elliott	Jeter	Rountree	Wyatt
Embry	Jones	Rutherford	Young
Fanning	Kilborn		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Fourth Legislative Day, and finds same correct.

W. P. Letson,
Acting Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Twenty-fourth Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Bealle for today and to Mr. Cato for today and tomorrow.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Fanning:

H. R. 84. Be it resolved by the House of Representatives of Alabama, that House bill No. 49 be and the same is hereby made a special order of business for the consideration of the House immediately after the completion of the call of counties and the report of committees on the 26th Legislative Day.

Mr. Fanning moved to suspend the rules for the immediate consideration of the resolution. The motion to suspend the rules was lost and the resolution was referred to the Standing Committee on Rules.

By Mr. Adams:

H. R. 85. Resolved by the House that the Senate be requested to return House bills, in the Senate, Nos. 306, 283 and 304, for correction.

The rules were suspended and the H. R. 85 was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Young (By request):

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to sheriffs and deputy sheriffs.

Commerce and Common Carriers.

By Mr. Grove:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and

how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Municipal Organizations.

By Mr. Goodwyn:

H. 575. To authorize County Boards of Education in the several counties of this State, to borrow money for the purpose of paying debts incurred or created by such boards, or that may be incurred or created until the first day of October, 1923, and to issue warrants therefor bearing interest at a rate not exceeding 6% per annum, payable at such time as the Board may fix or to use such warrants in the payment of such debts.

Education.

By Mr. Sanders of Pike:

H. 576. A bill to be entitled an Act to submit to the qualified voters of the State, at the general election held in 1924, a constitutional amendment prohibiting the adoption of any future Constitution for the State, or any amendment or amendments to the present State Constitution, until a majority of the qualified voters of the State shall have voted on the question of the adoption of such future Constitution or amendments.

Section 1. Be it enacted by the Legislature of Alabama; that at the general election to be held in the year 1924, an amendment to the Constitution of the State of Alabama be submitted to the qualified voters of the State, which amendment shall read as follows:

Section 287½. No Constitution for the State of Alabama, to be adopted hereafter, nor any amendment or amendments to

the present Constitution of the State of Alabama, shall be adopted or of force until the question of the adoption of such Constitution, amendment or amendments shall have been voted upon by a majority of the qualified voters of the State of Alabama.

The above bill was read one time at length and referred to the Standing Committee on Judiciary.

BILL ON SECOND READING.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

The above and foregoing bill was read a second time and placed upon the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Harland (with notice and proof):

S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF THE INTENTION TO INTRODUCE IN THE LEGISLATURE OF ALABAMA AND HAVE ENACTED AS A LOCAL LAW A BILL TO ALTER AND REARRANGE THE BOUNDARY LINES OF THE CITY OF ALEXANDER CITY, ALABAMA.

Notice is hereby given, as provided by section 106 of the Constitution of 1901, that a bill will be introduced into the Legislature of Alabama at the adjourned meeting of such Legislature to be held on, to-wit: the 10th day of July, 1923, and that the intention to apply for the enactment of such law is hereby given, and such bill shall be substantially as follows, to-wit:

A BILL

To be entitled An Act to alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Be it enacted by the Legislature of Alabama:

Section 1.—That the boundary lines of the city of Alexander City, in the county of Tallapoosa, State of Alabama, be altered and rearranged so that the city of Alexander City shall include in its corporate limits the territory described as follows, to-wit:

Section twenty-seven, township twenty-three north, range twenty-one east.

The south half of the northeast quarter and the southeast quarter of the northwest quarter and the east half of the southwest quarter and the southeast quarter of section twenty-eight, township twenty-three north, range twenty-one east.

The southwest quarter of the southwest quarter of section twenty-six, township twenty-three north, range twenty-one east.

The west half of section thirty-four, township twenty-three north, range twenty-one east.

The east half of section thirty-four, township twenty-three north, range twenty-one east, except that part described as follows: Beginning at a point where the east and west line on the north side of section thirty-four and the west side of the Central of Georgia Railroad right-of-way intersect, from which, west to the quarter section corner, which is the northwest corner of the northeast quarter of section thirty-four, from which, south to the quarter section corner on the south side of section thirty-four, from which, east to the southeast corner of section thirty-four, township twenty-three north, range twenty-one east, from which north along the east side of section thirty-four to the intersection with the south and west side of the right-of-way of the Central of Georgia Railroad, from which, along the south and west side of said right-of-way to starting point.

The west half of the west half of section thirty-five, township twenty-three north, range twenty-one east, except that portion lying west and south of the Central of Georgia Railroad right-of-way more fully described as follows: Beginning at a point where the east and west line of the south side of section thirty-five, township twenty-three north, range twenty-one east intersects with the west side of the Central of Georgia Railroad right-of-way, from which, west to the southwest corner of section thirty-five, from which north along the west side of section thirty-five to the intersection with the south and west side of the Central of Georgia Railroad right-of-way from which in a southeasterly direction along the said Central of Georgia Railroad right-of-way to beginning.

The northeast quarter of section thirty-three, township twenty-three north, range twenty-one east, except that portion lying south and east of the Central of Georgia Railroad more fully described as follows: Beginning at the southwest corner of the northeast quarter of section thirty-three, township twenty-three north, range twenty-one east, from which, north to the intersection on south side with the Central of Georgia Railroad right-of-way, from which, along said right-of-way in an easterly direction to a point seven hundred sixty feet west from the east side of the southeast quarter of the northeast quarter and two hundred feet south from the north side of the southeast quarter of the northeast quarter, from which southeast to the southeast corner of the northeast quarter of section thirty-three, township twenty-three north, range twenty-one east.

The east half of the northwest quarter of section thirty-three, township twenty-three north, range twenty-one east, except that portion lying south and west of the Central of Georgia Railroad right-of-way, which is more fully described as follows: Beginning at the intersection on the south side of said right-of-way and the north and south line dividing the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter which is seven hundred feet south from the northwest corner of the northeast quarter of the northwest quarter, from which, south, to the southwest corner of the southeast quarter of the northwest quarter, from which east to the southeast corner of the northwest quarter, from which north to the intersection of the right-of-way on the south side of the Central of Georgia Railroad, from which along the said right-of-way, on the south and west side to starting point.

Section 2—This said Act shall take effect from its passage and approval by the Governor.

State of Alabama, }
County of Tallapoosa. }

I. J. C. Colvin, a Notary Public in and for said county and State, hereby certify that on the 11th day of July, 1923, personally appeared before me W. R. Jordan, publisher of the Alexander City Outlook, who stated under oath that a bill to rearrange the boundary lines of the city of Alexander City was published in said Alexander City Outlook under dates of May 23, 30, June 6, 13, a copy of one issue being hereto attached.

W. R. Jordan, Publisher.

Given under my hand and seal this 11th day of July, 1923.

(Seal)

J. C. Colvin,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Municipal Organization, S. 194.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Hutson:

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

Also:

By Mr. Hutson:

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

Also:

By Mr. Hutson:

S. 260. To amend section 21 of an Act entitled, "An Act to amend sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Also:

By Mr. Powell (with notice and proof):

S. 236. To fix the salary of the deputy solicitor of Macon county at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced, and application will be made, at the adjourned session of the Alabama Legislature when it convenes in July, 1923, to pass a local Act for Macon county as follows:

To fix the salary of the deputy solicitor of said county at \$900 per annum, payable in monthly installments of \$75, to be paid out of the general fund of the county on warrant drawn by the probate judge of said county on the treasurer thereof, and payable on the 15th of each month.

A. B. Paine,

Deputy Solicitor of Macon Co.

The State of Alabama, }
Macon County.

Before me, C. W. Hare, a Notary Public in and for said State and county, personally appeared J. A. Matthews, who being duly sworn deposes and says that he is editor and owner of the Tuskegee News, a newspaper published in said county, and that the appended notice was published for 4 consecutive times in said newspaper, beginning on the 7th day of June, 1923, and ending the 28th day of June, 1923.

J. A. Matthews.

Sworn to and subscribed before me this 6th day of July, 1923.

C. W. Hare, N. P.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Banking and Insurance, S. 261, S. 266, S. 260.

Local Legislation, S. 236.

BILL ON THIRD READING.

H. 475. To arrange the boundary between Elmore and Montgomery Counties.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:

Adams
Adcock
Arrington

Ashcraft (Fayette)
Blackwell
Boykin

Burton
Calloway
Cook

Deloney
Dickinson
Dunwoody

Embry	Hatter	Moorer	Sollie
Fanning	Henley	Nichols	Stewart (Bibb)
Ferrell	Henson	Norman	Thompson (Etowah)
Gaines	Hodgson	Odom	Tunstall
Glover	Holcombe	Parker	Tyson
Goode	Jones	Powell	Varnier
Goodwyn	Kilborn	Ringer	Walker
Graves	Letson	Sanders (Pike)	Ware
Grove	Long	Sessions	Mrs. Wilkins
Guy	McDaniel	Smith (Lee)	Wyatt
Hall	McGowen	Snodgrass	Young

—56

On motion of Mr. Goodwyn the bill was ordered sent forthwith to the Senate without engrossment.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until tomorrow morning at 10 o'clock.

TWENTY-SIXTH DAY.

House of Representatives,
Tuesday, July 31st, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. M. Dannelly, Presiding Elder of the Prattville District.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Calloway	Forman	Hodgson
Adams	Christian	Gaines	Holcombe
Adcock	Coleman	Glenn	Hornsby
Allen	Cook	Glover	Howard
Ashcraft (Fayette)	Culver	Goode	Howze
Ashcraft (Lauderdl.)	Deloney	Goodwyn	Jeter
Bealle	Dickinson	Graves	Jones
Blackwell	Dowdle	Grove	Kilborn
Bowen, Lewis	Dunwoody	Guy	Kilpatrick
Bowen, L. K.	Elliott	Hall	Lee
Boykin	Embry	Hampton	LeMaistre
Burns	Fanning	Hatter	Letson
Burton	Ferrell	Henley	Long
Byars	Fite	Henson	Love

Luck	Patterson	Sessions	Tyson
McDaniel	Pickens	Smith (Clay)	Varner
McGowen	Poole	Smith (Jefferson)	Verner
Melton	Posey	Smith (Lee)	Walker
Mooneyham	Powell	Snodgrass	Wall
Moorer	Ringer	Sollie	Walton
Moxley	Rountree	Stewart (Bibb)	Ware
Nichols	Rutherford	Stewart (Calhoun)	Mrs. Wilkins
Norman	St. John	Thompson (Etowah)	Williams
Odom	Sanders (Conecuh)	Tiller	Wyatt
Parker	Sanders (Pike)	Tunstall	Young

—100

A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Fifth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Twenty-Fifth Legislative Day was approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Cato and Mr. Thompson of Jackson.

Indefinite leave of absence was granted Mr. L. P. Bambury, Assistant Doorkeeper of the House on account of illness.

RESOLUTIONS.

The following resolutions were adopted:

By Rules Committee:

H. R. 86. Be it resolved by the House that H. 49 be and the same is hereby made a special order of business for consideration of the House immediately upon the reconvening of the House after the adjournment of the Joint Session of the House and Senate today.

By Mr. Fanning:

H. R. 87. Be it resolved by the House of Representatives that H. 230 be and the same is hereby recalled from the Committee on Local Legislation to which it was heretofore regularly referred for the purpose of correcting the same.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Burns (with notice and proof) :

H. 577. To regulate and prescribe the manner of electing County Commissioners for Talladega County, Alabama, and to define the qualifications of said Commissioners at the time of their election and during their term of office, and also to prescribe the amount of compensation which each shall be entitled to receive for the performance of his duties as County Commissioner.

Local Legislation.

Notice and proof H. 577:

NOTICE.

A bill to be entitled an Act to regulate and prescribe the manner of electing County Commissioners for Talladega County, Alabama, and to define the qualifications of said Commissioners at the time of their election and during their term of office, and also to prescribe the amount of compensation which each shall be entitled to receive for the performance of his duties as County Commissioner.

Section 1. Be it enacted by the Legislature of Alabama that from and after the passage and approval of this act the County Commissioners of Talladega County, Alabama, shall be elected in the following manner, to-wit: four commissioners, constituting the Court of Commissioners of Talladega County, Alabama, shall be elected by the qualified voters of the whole county, but one of such commissioners shall reside in and be a qualified voter of each of said districts as they are now constituted or may be hereafter constituted.

Section 2. This act shall not change the terms of the present commissioners or the commissioners hereafter to be elected, but the terms of said commissioners shall be and remain as they now are but the successors to the present commissioners shall be elected as provided in the first section of this act.

Section 3. That no person shall be eligible to election as commissioner unless he be a qualified elector of the district from which he is elected and that he shall remain a resident of such district during the term of his office. A removal from such district during such term shall vacate such office.

Section 4. On and after the approval of this act each member of the Court of County Commissioners of Talladega County, Alabama, shall be paid out of the County Treasury for his services the sum of five dollars per day while occupied in the discharge of his duties as such member of the Court of County Commissioners and five cents per mile in going and returning from the meetings of such Court, and the sum of three dollars per day while occupied in the discharge of his duties in letting out, inspecting and accepting, building or repairing any county bridges or county buildings or works, and five cents per mile for each mile necessary to be traveled by him in so doing; said sum shall be paid on warrants drawn on the County Treasurer on the order of the Court of County Commissioners, provided that no member of the Court of County Commissioners shall per-

form any duties in regard to letting out, inspecting and accepting, building or repairing any of the county roads, bridges, county buildings or works, except being directed by a resolution adopted in advance by the Court of County Commissioners at its regular meeting directing the work to be so done and the number of days to be so occupied or by the Chairman of the Court of County Commissioners, to-wit, the Judge of Probate, provided that in no case shall any member of such Court of County Commissioners be paid for exceeding five days for services of letting out, inspecting, accepting, building or repairing any of the county roads, bridges, county buildings or works during any one month.

Section 5. That if any provision of this said act shall be declared unconstitutional it shall not in any way affect the other provisions herein contained.

Section 6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }
Talladega County. }

Personally appeared before me, Probate Judge in and for said county, Jno. C. Williams, who being duly sworn according to law deposes and says that he is the publisher of the Our Mountain Home, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: May 30, 1923, June 6, 1923, June 13, 1923, and June 20, 1923.

Subscribed and sworn to before me this 27th day of July, 1923.
(Seal)

Jno. C. Williams.
E. A. Hammett,
Judge of Probate.

By Mr. Howze:

H. 578. To license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than eight per centum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan.

Revision of Laws.

By Mr. Mooneyham (with notice and proof) :

H. 579. To provide for the abolishment of the Barbour County Court; to provide for the disposition of pending cases; to abolish the office of solicitor of the Barbour County Court; to abolish the office of Judge of the Barbour County Court.

Local Legislation.

Notice and proof H. 579:

State of Alabama, }
Barbour County. }

Before me, A. J. Bethune, a Notary Public in and for said State and County, personally appeared W. L. Gammell, who being duly sworn deposes and says that the following advertisement, to-wit:

"To abolish County Court.

Notice is hereby given of intention to introduce a bill in the current session of the Legislature of Alabama to provide for the abolition of the

County Court of Barbour County and the office of county solicitor of Barbour County, and to provide for the transfer of such unfinished business as may be in said court at the time of its abolition. This notice is given in accordance with the expressed desire of a large body of people who have signed petitions to this effect.

B. F. Kennedy,
M. Z. Miller,
W. M. Teal."

duly appeared for four consecutive weeks in the Clayton Record, a weekly newspaper published in Barbour County at Clayton, Alabama, in the issues of said paper dated as follows: January 12th, 1923, January 19th, 1923, January 26th, 1923, and February 2nd, 1923; affiant further says that he is the publisher of said paper and was the publisher of said paper during the time said advertisements appeared as above stated.

This July 24th, 1923.

W. L. Gammell.

Sworn to and subscribed before me this the 24th day of July, 1923.

A. J. Bethune,

Notary Public, Barbour County, Alabama.

By Mr. Goode:

H. 580. To control the possession, sale and use of pistols and revolvers and to provide penalties for violation of the provisions of this act.

Judiciary.

By Mr. Embry:

H. 581. To repeal an act entitled "An act to establish and provide for state-wide eradication of the cattle fever tick (*marginipus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals," approved February 7th, 1919.

Agriculture.

BILL ON SECOND READING.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highway, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the Southwest Quarter of the Southeast Quarter of Section Five (5), Township Eighteen (18), South, Range Two (2), West, in Jefferson County, Alabama, described as follows: Commence at or near the Southeast corner of said Southwest Quarter of the Southeast Quarter of Section Five (5) at the intersection of said highway, roadway or passageway with the Montevallo road and extend thence West along or near the southern boundary line of said Southwest Quarter of the Southeast Quarter of Section five (5) to the western boundary line, or to an extension thereof to the South, of said Southwest Quarter of the Southeast Quarter of Section Five (5).

The above and foregoing bill was read a second time and placed upon the Calendar.

INDEFINITELY POSTPONED.

On motion of Mr. Fanning, House Bill No. 230 was indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same: To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate: And to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 298. To amend section 15 of an Act approved September 25th, 1915 to establish a board of revenue for Monroe county, Alabama, and prescribing for the members thereof all the duties of the court of county commissioners of said county; to provide for the appointment and fix the term of office of the members of said board of revenue; to provide for the election of their suc-

cessors in office so as to prevent all of said membes being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Also:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

Also:

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claim against said fund and to appropriate any surplus of such funds to the public road fund of said county and fix penalties for the violation of the Act.

Also:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

James A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for the return to the House of the bills:

H. 283. To prevent live stock from running at large in Blount County, Alabama.

Also:

H. 304. To provide for the election of a County Treasurer for Blount County, Alabama; to fix the time of election, to name the maximum salary per year, to fix term of office.

Also:

H. 306. To provide for the election of a County Superintendent of Education for Blount County, Alabama by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

And said bills are herewith returned to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Adams, the bills, the titles to which are set out in the above message from the Senate, were indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 30; nays, 0.

And said bill, H. 150, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 30; nays, 0.

And said bill, together with the Governor's message containing the amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Craft:

S. J. R. 104. Whereas, under the Acts of Congress, the several states can only obtain Federal Aid in the construction of public roads on Seven Per Cent of the gross road mileage of said states and said states are required to certify to the Secretary of Agriculture the gross road mileage of the states as of the date of the passage of the Federal Aid Act of 1921 and said states are also required to make a map of the state showing said Seven Per Cent Federal Aid System and submit the same to the Bureau of Public Roads for its approval, and

Whereas, in an effort to comply with said Act of Congress a certificate from the Highway Department was filed with the Bureau of Public Roads at Washington indicating that Seven Per Cent of the gross road mileage of Alabama was only 3,959 miles, which certificate was based upon information furnished by the several courts of County Commissioners of Alabama, which was afterwards ascertained to be incorrect and which information was afterwards proven to be incorrect by the United States Statistical Survey of Alabama, which survey showed the correct seven per cent road mileage of the state to be 4,077 and,

Whereas the State Highway Department was requested that it be allowed the correct said certificate, making the same 4,077 which is the just, true and correct seven per cent road mileage of Alabama, and the said Bureau of Public Roads to refuse to allow said State Highway Commission to file a correct certificate deprives Alabama of 118 miles of road on which it is entitled to receive Federal Aid and to which it is justly entitled,

Therefore be it resolved by the Senate, the House concurring, that the Legislature of Alabama hereby memorializes the Secretary of Agriculture and the Chief of the Bureau of Public Roads to grant a hearing to the State Highway Department of Alabama and permit it to present through its appointed representatives evidence and facts of the true and correct road mileage of Alabama to the end therefore that it may be allowed to withdraw

the erroneous certificate and file a corrected certificate, giving Alabama the correct mileage to which it is entitled.

Be it further resolved that copies of this resolution be promptly forwarded to Honorable Henry C. Wallace, Secretary of Agriculture at Washington, D. C.; Thomas H. McDonald, Chief of the Bureau of Public Roads, Washington, D. C., and A. E. Leder, District Engineer, Montgomery, Alabama.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate Joint Resolution No. 104 which is set out in the above and foregoing message from the Senate was read one time and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

A JOINT RESOLUTION.

By Mr. Craft:

S. J. R. 105. Whereas, the press reports show that President Harding has had to abandon his trip on account of illness,

Therefore be it resolved by the Senate of Alabama, the House concurring, that the Legislature of Alabama extends to the President and Mrs. Harding its sincere sympathy and hope for a speedy recovery.

Be it further resolved, That the Governor of Alabama, Hon. W. W. Brandon, is hereby requested to transmit these sympathetic resolutions to President and Mrs. Harding.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. No. 105, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin:

S. J. R. 106. Resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, they do adjourn until Thursday, August 2nd, at 10 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted S. J. R. No. 106, which is set out in the above and foregoing message from the Senate.

NOTICE IN WRITING.

Mr. Adams gave the following notice in writing:

"Notice is hereby given that a motion will be made on the next Legislative Day to take H. 341 from the Adverse Calendar and place the same upon the regular calendar for passage.

JOINT SESSION.

The hour having arrived for the Joint Session to hear the address of Hon. Oscar W. Underwood, the Senate together with its presiding officer, assembled with the House. The Lieutenant Governor directed the Secretary of the Senate to call the roll of the Senate, when thirty-three Senators answered to their names.

The Speaker of the House directed the Clerk of the House to call the roll of the House and ninety-six members answered to their names.

The Committee heretofore appointed to escort Senator Underwood to the Hall, were directed to notify Mr. Underwood that both Houses awaited his pleasure.

Senator Underwood appeared and addressed the Joint Session.

The purpose of the Joint Session having been accomplished, the Senate repaired to its Chamber.

RECESS.

On motion of Mr. Tunstall the House recessed until 3 P. M.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

INDEFINITE LEAVE OF ABSENCE.

Was granted to Mr. Ashcraft of Lauderdale on account of sickness.

RESOLUTION.

The following resolution was introduced:

By Mr. Jeter :

H. R. 88.—Resolved, That House Bill No. 268 be made a special and continuing order for Thursday, August 2nd, 1923, immediately after report of Standing Committees.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The President of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested :

S. J. R. 105. Relative to the Legislature of Alabama extending to President and Mrs. Harding its sincere sympathy and wishes for a speedy recovery from his sudden illness.

J. E. Speight,
Secretary.

SIGNING OF SENATE RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the resolution, the title to which is set out in the above and foregoing message from the Senate.

CERTIFICATE OF CLERK.

To the House of Representatives :

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same :

Delivered to Governor July 31st, 1923, 3:40 P. M. :

H. 298. To amend section 15 of an Act approved September 25th, 1915 to establish a board of revenue for Monroe county, Alabama, and prescribing for the members thereof all the duties of the court of county commissioners of said county; to provide for the appointment and fix the term of office of the members of said board of revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Also :

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe county, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe county, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven

trucks; providing for superintendents of the public roads of Monroe county; providing for the duties of members of the board of revenue with reference to public roads and bridges of Monroe county; and prescribing penalties for violation of the provisions of the same.

Also:

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

Also:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

H. 74. To amend section 6958 of the Criminal Code of Alabama, 1907.

Delivered to the Governor July 27th, 1923, 12:25 P. M.

J. H. Stewart,
Clerk.

BILL ON THIRD READING.

H. 407 (with amendment). To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation.

On motion of Mr. Fite the further consideration of the bill and amendment was postponed until the next Legislative Day.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the Special Order, which was the bill:

H. 49 (with substitute). To amend parts or subdivisions four (4) and eleven (11) of an act of the Legislature of Alabama approved September 23, 1919. Entitled an act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of and the payment thereof and to constitute and appoint a Pension Commission for the State of Alabama and prescribe its powers and duties, so as to provide for the qualifications of soldiers and sailors in the service of the State of Alabama and for soldiers and sailors in the army or navy of the Confederate States of America entitled to pensions and to provide for pensions for said soldiers and sailors.

The question was upon the adoption of the substitute reported by the Standing Committee on Pensions and Soldiers' Home, said substitute being as follows:

Substitute for H. 49:

A BILL.

To be entitled an Act to further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows, and to make necessary appropriation therefor.

Be it enacted by the Legislature of Alabama:

1. That from and after the passage and approval of this Act, all pensioners placed on the pension rolls of this State shall have been at the time of filing their applications for a pension bona fide resident citizens of this State for ten years.

2. That hereafter there shall be no limitation as to possession or ownership of property precluding the placing of the name of such applicant on the pension roll, nor shall the income or salary of an applicant affect in any way the right of such applicant to be placed on the pension roll.

3. That beginning with January Quarter, 1924, there shall be paid quarterly to each pensioner in Class A, the sum of seventy-five dollars (\$75.00) for each quarter; to each pensioner of Class 1, the sum of twenty-seven dollars and fifty cents (\$27.50) for each quarter; to each pensioner of Class 2, the sum of twenty-two dollars and fifty cents (\$22.50) for each quarter; to each pensioner in Class 3, the sum of eighteen dollars and fifty cents (\$18.50) for each quarter. Such payments shall be made by warrant issued by the State Auditor and bearing date

of January 1st, April 1st, July 1st, and October 1st of the year in which said warrants are issued.

4. That the secretary of the pension commission shall receive a salary of twenty-four hundred dollars (\$2400.00) per annum, payable as the salaries of other departmental employees are paid.

5. That the clerk and stenographer in the pension department shall receive a salary of fifteen hundred dollars (\$1500.00) per annum payable monthly as the salaries of other departmental employees are paid.

6. There is hereby continuously appropriated from the general funds of the State a sufficient sum, which in conjunction with the moneys derived to the one mill pension fund, shall in total amount not exceeding the sum of one million seven hundred and fifty thousand dollars (\$1,750,000.00) per annum or so much thereof as may be necessary to carry out the provisions of this act.

7. That this act shall not in any way repeal any part of the existing pension laws of the State not in conflict herewith.

8. That all laws and parts of laws in conflict with the provisions of this act are repealed.

Mr. Deloney offered the following amendment to the substitute:

Amend Section 4 of the substitute by striking out the figures \$2400.00 and inserting in lieu thereof the figures \$1500.00.

Amend Section 5 by striking out the figures \$1500.00 and inserting in lieu thereof the figures \$1200.00.

Strike out Section 7 and substitute therefor the following:

Section 7. No person or persons other than the persons and officers provided for in Sections 4 and 5 of this Act shall receive any fees, compensation or remuneration out of the pension fund of Alabama, except pensioners legally placed upon the Pension Roll of Alabama.

And the amendment offered by Mr. Deloney to the substitute was adopted.

Mr. Parker offered the following amendment to the substitute:

Amend by changing in Section 3, line 1, the words "January Quarter, 1924" to the words "October Quarter 1923."

Mr. L. K. Bowen moved to table the amendment offered by Mr. Parker and the motion was lost and the amendment offered by Mr. Parker was adopted.

Mr. Moxley offered the following amendment to the substitute:

Amend Section 1 of substitute by striking out the words "Ten years as a resident of the State of Alabama" and insert in lieu thereof the words "five years as a resident thereof."

And the amendment offered by Mr. Moxley was adopted.

Mr. L. K. Bowen offered the following amendment to the substitute:

To amend Section 3 of H. 49 by adding just after the word "in" and just before Class A the followings words: All widows of all Confederate soldiers and sailors.

On motion of Mr. Fanning the amendment offered by Mr. L. K. Bowen was laid upon the table.

And the substitute as amended was adopted.

Yeas, 87; nays, 3.

Yeas:

Messrs:

Mr. Speaker	Forman	Kilpatrick	Sanders (Pike)
Adcock	Gaines	Lee	Sessions
Allen	Glenn	Letson	Smith (Clay)
Ashcraft (Fayette)	Glover	Long	Smith (Jefferson)
Ashcraft (Lauderdal)	Goode	Love	Snodgrass
Bealle	Goodwyn	Luck	Sollie
Blackwell	Graves	McDaniel	Stewart (Bibb)
Bowen, Lewis	Grove	McGowen	Stewart (Calhoun)
Boykin	Guy	Mooneyham	Thompson (Etowah)
Burns	Hall	Moxley	Tiller
Byars	Hampton	Nichols	Tunstall
Calloway	Hatter	Norman	Tyson
Culver	Henley	Odom	Varner
Deloney	Henson	Parker	Walker
Dickinson	Hodgson	Patterson	Wall
Dowdle	Holcombe	Pickens	Walton
Dunwoody	Hornsby	Powell	Ware
Elliott	Howard	Ringer	Mrs. Wilkins
Embry	Howze	Rountree	Williams
Fanning	Jeter	Rutherford	Wyatt
Ferrell	Jones	St. John	Young
Fite	Kilborn	Sanders (Conceh)	

—87

Nays:

Messrs:

Adams	Bowen, L. K.	Burton	—3
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Mr. Goodwyn offered the following amendment to the substitute:

Amend the substitute as amended by inserting \$2,000.00 in lieu of \$1,500.00 where it appears in the amendment to the substitute.

On motion of Mr. Long the amendment offered by Mr. Goodwyn was laid upon the table.

Mr. Henson offered the following amendment to the substitute:

Amend the substitute by adding at the end of Section 3 the following:

That no widow of any Ex-Confederate soldier of the army or navy shall be entitled to the benefits of the provisions of this Act who shall have married since the year 1903.

And the amendment was adopted.

Yeas, 44; nays, 26.

Yeas:

Messrs:

Mr. Speaker	Burton	Glenn	McGowen
Adams	Byars	Graves	Farker
Adcock	Calloway	Henley	Patterson
Allen	Deloney	Henson	Posey
Ashcraft (Fayette)	Dickinson	Hodgson	Ringer
Ashcraft (Lauderd ¹)	Dunwoody	Howze	Smith (Clay)
Blackwell	Embry	Jones	Smith (Lee)
Bowen, Lewis	Fanning	Kilborn	Stewart (Bibb)
Bowen, L. K.	Fite	Letson	Thompson (Etowah)
Boykin	Forman	Luck	Ware
Burns	Gaines	McDaniel	Young

—44

Nays:

Messrs:

Bealle	Guy	Odom	Stewart (Calhoun)
Dowdle	Hampton	Sanders (Conecuh)	Tiller
Ferrell	Hornsby	Sanders (Pike)	Tyson
Glover	Jeter	Sessions	Varner
Goode	Melton	Smith (Jefferson)	Walton
Goodwyn	Moxley	Snodgrass	Wyatt
Grove	Norman		

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And the bill:

H. 49. To amend parts or subdivisions four (4) and eleven (11) of an act of the Legislature of Alabama approved September 23, 1919, entitled an act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of and the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties, so as to provide for the qualifications of soldiers and sailors in the service of the State of Alabama and for soldiers and sailors in the army or navy of the Confederate States of America entitled to pensions and to provide for pensions for said soldiers and sailors.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 83; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jeter	Sanders (Conecuh)
Adams	Ferrell	Jones	Sanders (Pike)
Adcock	Fite	Kilborn	Sessions
Allen	Forman	Kilpatrick	Smith (Clay)
Ashcraft (Fayette)	Gaines	Letson	Smith (Lee)
Ashcraft (Lauderdl.)	Glenn	Long	Snodgrass
Bealle	Glover	Love	Sollie
Blackwell	Goode	Luck	Stewart (Bibb)
Bowen, Lewis	Goodwyn	McDaniel	Stewart (Calhoun)
Bowen, L. K.	Graves	McGowen	Thompson (Etowah)
Boykin	Grove	Moxley	Tiller
Burns	Hall	Nichols	Tunstall
Burton	Hampton	Norman	Tyson
Byars	Hatter	Odom	Varner
Culver	Henley	Parker	Walker
Deloney	Henson	Patterson	Walton
Dickinson	Hodgson	Posey	Ware
Dowdle	Holcombe	Powell	Mrs. Wilkins
Dunwoody	Hornsby	Ringer	Wyatt
Elliott	Howard	Rountree	Young
Embry	Howze	St. John	

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MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning House Bill 236.

Respectfully,

O. A. Adams,

Recording Secretary to the Governor.

July 27, 1923.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I herewith return to you House Bill 236 without my approval. The bill is one to repeal a local act incorporating the town of Pickens in Pickens County, known as Pickensville.

Section 107 of the Constitution provides that the Legislature shall not repeal a local law by a private or local law except upon notice being given and shown as provided in Section 106 of the Constitution. Section 106 of the Constitution provides that notice of the intention to apply for the passage of any local law shall be published at least once a week for four consecutive weeks in some newspaper published in such county or counties and that proof by affidavit of said notice shall be exhibited to each House of the Legislature and that said proof shall be spread upon the journals. The affidavit as to the notice in this case shows that the publication was given for three weeks only and not for four, hence the provisions of the Constitution have not been complied with.

Respectfully submitted,

Wm. W. Brandon,

Governor.

July 27, 1923.

GOVERNOR'S MESSAGE.

The House sustained the veto by the Governor of the bill H. 236, by the following vote:

Yeas, 0 ; nays, 76.

Nays :

Messrs :

Mr. Speaker	Embry	Howze	Sessions
Adams	Fanning	Jeter	Smith (Clay)
Adcock	Ferrell	Jones	Smith (Jefferson)
Allen	Fite	Kilborn	Smith (Lee)
Ashcraft (Fayette)	Forman	Kilpatrick	Snodgrass
Ashcraft (Lauder'dl)	Gaines	Letson	Sollie
Bealle	Glenn	Love	Stewart (Bibb)
Blackwell	Glover	Luck	Stewart (Calhoun)
Bowen, Lewis	Goode	McDaniel	Thompson (Etowah)
Bowen, L. K.	Goodwyn	McGowen	Tiller
Boykin	Graves	Melton	Tyson
Burns	Grove	Moxley	Varner
Burton	Hall	Odom	Walker
Byars	Hatter	Parker	Wall
Culver	Henley	Powell	Walton
Deloney	Henson	Rountree	Ware
Diekinson	Hodgson	St. John	Williams
Dowdle	Holcombe	Sanders (Conecuh)	Wyatt
Dunwoody	Howard	Sanders (Pike)	Young

—76

Which was a majority of the whole number elected to the House.

On motion of Mr. Ashcraft of Lauderdale, the following resolution, which was adopted at the Joint Session of the two Houses, was ordered spread upon the Journal:

RESOLUTION.

Whereas, for more than the half of a century Alabama, with her sister states of the South have supported with passionate devotion the principles of the Democratic Party, and have followed with unswerving loyalty its candidates from whatsoever State they might be selected, making no demand for themselves, and

Whereas, it is their attachment to the principles of the party which has made it a vital influence in the life of the nation, and

Whereas, the State of Alabama possesses in her senior senator, Oscar W. Underwood, who for nearly thirty years has represented her in the National Congress with ever increasing and merited distinction, the greatest Democrat whom this Republic has produced in many years, and

Whereas, the entire nation looks upon him with the confidence and respect that is born of the courage, the sanity, the wisdom, the broad and enlightened vision, and the steady adher-

ence to political principle that have been the distinguishing marks of his long public career, and

Whereas, the State of Alabama and her citizens present to the Nation this great Democrat as a candidate for the Democratic nomination for the presidency, in the full confidence that his election would dignify even that exalted office, and that under his administration of National affairs this Government would enter upon the paths of prosperity and of foreign and domestic peace, leading the nations of the world into the ways of amity and mutual understanding, therefore, be it

Resolved, that the State of Alabama calls upon her sister States to aid her in the great national service she seeks to render by elevating to the Presidency her great leader, who is so pre-eminently qualified in character, in governmental experience, and in every attribute of patriotism and statesman ship to exercise the functions of that high office, Oscar W. Underwood.

BILLS ON THIRD READING.

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin county.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Howard	Pickens
Adcock	Gaines	Howze	Poole
Allen	Glenn	Jeter	Posey
Bealle	Glover	Jones	Powell
Blackwell	Goode	Kilborn	Ringer
Bowen, Lewis	Goodwyn	Kilpatrick	Rountree
Boykin	Graves	Lee	Tiller
Burns	Grove	LeMaistre	Tunstall
Burton	Guy	Letson	Tyson
Byars	Hall	Long	Vарner
Calloway	Hatter	Love	Verner
Dowdle	Henley	Luck	Walker
Elliott	Henson	Moorer	Wall
Embry	Hodgson	Moxley	Walton
Fanning	Holcombe	Odom	Ware
Ferrell	Hornsby	Parker	Young
Fite			

—65

H. 368. To amend Section 5 of an Act entitled "An Act to further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers and for the

compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Jones	Snodgrass
Adams	Dunwoody	Nichols	Sollie
Adcock	Elliott	Norman	Stewart (Bibb)
Allen	Embry	Odom	Stewart (Calhoun)
Ashcraft (Lauderdl.)	Fite	Parker	Thompson (Etowah)
Bealle	Forman	Pickens	Tiller
Bowen, Lewis	Goode	Posey	Tyson
Bowen, L. K.	Goodwyn	Powell	Varner
Boykin	Graves	Ringer	Walker
Burns	Grove	St. John	Wall
Burton	Guy	Sanders (Conecuh)	Walton
Byars	Hall	Sanders (Pike)	Ware
Calloway	Hampton	Sessions	Mrs. Wilkins
Christian	Hatter	Smith (Clay)	Williams
Coleman	Howze	Smith (Jefferson)	Wyatt
Cook	Jeter	Smith (Lee)	Young
Culver			

—65

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Jeter	Ringer
Ashcraft (Lauderdl.)	Gaines	Jones	Rountree
Bowen, Lewis	Glenn	Letson	Rutherford
Bowen, L. K.	Goodwyn	Long	St. John
Burns	Graves	Love	Sanders (Pike)
Burton	Grove	Luck	Smith (Clay)
Byars	Guy	McDaniel	Smith (Jefferson)
Calloway	Hall	McGowen	Smith (Lee)
Coleman	Hampton	Moorer	Stewart (Bibb)
Cook	Hatter	Moxley	Stewart (Calhoun)
Deloney	Henley	Odom	Thompson (Etowah)
Dickinson	Henson	Parker	Tiller
Dowdle	Holcombe	Patterson	Tunstall
Dunwoody	Hornsby	Pickens	Tyson
Elliott	Howard	Poole	Varner
Embry	Howze	Posey	Verner
Fite			

—65

H. 457. To require the county board of education of Henry county, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said county; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Hodgson	Nichols	Stewart (Bibb)
Adams	Holcombe	Norman	Stewart (Calhoun)
Adcock	Hornsby	Parker	Thompson (Etowah)
Allen	Howard	Patterson	Tiller
Coleman	Howze	Pickens	Tunstall
Cook	Jeter	Rountree	Tyson
Deloney	Jones	Rutherford	Varnier
Dunwoody	Kilborn	St. John	Verner
Glenn	Kilpatrick	Sanders (Conecuh)	Walker
Glover	Lee	Sanders (Pike)	Wall
Goode	McDaniel	Sessions	Walton
Goodwyn	McGowen	Smith (Clay)	Ware
Hall	Melton	Smith (Jefferson)	Mrs. Wilkins
Hampton	Mooneyham	Smith (Lee)	Williams
Hatter	Moorer	Snodgrass	Wyatt
Henley	Moxley	Sollie	Young
Henson			

—65

H. 488. To establish an inferior court in Precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Was read a third time at length and passed:
Yeas, 65; nays, 0.

Messrs:

Yeas:

Mr. Speaker	Ferrell	Lee	Sanders (Pike)
Ashcraft (Lauderdl.)	Goode	Luck	Smith (Clay)
Bealle	Goodwyn	McDaniel	Smith (Lee)
Blackwell	Graves	McGowen	Snodgrass
Bowen, Lewis	Hall	Melton	Stewart (Bibb)
Bowen, L. K.	Hampton	Moorer	Stewart (Calhoun)
Boykin	Hatter	Moxley	Thompson (Etowah)
Burns	Henley	Norman	Tunstall
Burton	Henson	Odom	Tyson
Byars	Hodgson	Parker	Verner
Calloway	Hornsby	Patterson	Walker
Coleman	Howard	Powell	Wall
Cook	Howze	Ringer	Walton
Culver	Jeter	Rountree	Ware
Dickinson	Jones	Rutherford	Mrs. Wilkins
Dowdle	Kilborn	Sanders (Conecuh)	Young
Fanning			

—65

H. 504. To alter and fix the boundaries of the city of Selma, a municipal corporation in Dallas county, Alabama.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Henson	St. John
Adams	Fite	Hodgson	Sanders (Pike)
Adcock	Forman	Holcombe	Sessions
Ashcraft (Lauderd'e)	Gaines	Hornsby	Smith (Clay)
Boykin	Glenn	Howard	Smith (Jefferson)
Burns	Glover	Howze	Smith (Lee)
Calloway	Goode	Jeter	Snodgrass
Christian	Goodwyn	Jones	Sollie
Coleman	Graves	Kilborn	Thompson (Etowah)
Culver	Grove	Kilpatrick	Tiller
Deloney	Guy	Lee	Tunstall
Dickinson	Hall	Letson	Tyson
Dowdle	Hampton	Long	Varnier
Dunwoody	Hatter	Love	Verner
Elliott	Hawkins	Luck	Mrs. Wilkins
Embry	Henley	Rountree	Young
Fanning			

—65

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

Was read a third time at length and passed:
Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Odom
Adams	Fanning	Jeter	Patterson
Adcock	Forman	Jones	Pickens
Allen	Gaines	Kilborn	Powell
Ashcraft (Lauderd ¹)	Glenn	Kilpatrick	Ringer
Blackwell	Goode	Lee	Rountree
Bowen, Lewis	Goodwyn	Letson	Stewart (Bibb)
Bowen, L. K.	Graves	Long	Stewart (Calhoun)
Boykin	Grove	Love	Thompson (Etowah)
Calloway	Guy	Luck	Tiller
Coleman	Hall	McDaniel	Tyson
Cook	Hampton	McGowen	Walker
Culver	Hodgson	Melton	Wall
Deloney	Holcombe	Mooneyham	Walton
Dickinson	Hornsby	Moorer	Ware
Dowdle	Howard	Norman	Wyatt
Dunwoody			

—65

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

Was read a third time at length and passed:
Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Long	Stewart (Bibb)
Adams	Forman	Love	Stewart (Calhoun)
Adcock	Guy	Luck	Thompson (Etowah)
Allen	Hall	McDaniel	Tiller
Bowen, Lewis	Hampton	Ringer	Tunstall
Bowen, L. K.	Hatter	Rountree	Tyson
Boykin	Henley	Rutherford	Varner
Burns	Henson	St. John	Verner
Burton	Hodgson	Sanders (Conecuh)	Walker
Calloway	Holcombe	Sanders (Pike)	Wall
Coleman	Hornsby	Sessions	Walton
Deloney	Howard	Smith (Clay)	Ware
Dickinson	Howze	Smith (Jefferson)	Mrs. Wilkins
Dowdle	Jeter	Smith (Lee)	Williams
Dunwoody	LeMaistre	Snodgrass	Wyatt
Elliott	Letson	Sollie	Young
Fanning			

—65

H. 410. To provide for the election of the county superintendent of education of and for Conecuh county, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Adams	Forman	Lee	St. John
Adcock	Gaines	Long	Sanders (Conecuh)
Allen	Glover	McDaniel	Sanders (Pike)
Bealle	Goode	McGowen	Smith (Clay)
Blackwell	Graves	Melton	Snodgrass
Bowen, Lewis	Guy	Mooneyham	Stewart (Bibb)
Bowen, L. K.	Hall	Moorer	Thompson (Etowah)
Byars	Hatter	Nichols	Tiller
Calloway	Henley	Norman	Tunstall
Coleman	Hodgson	Odom	Tyson
Cook	Holcombe	Parker	Walker
Deloney	Hornsby	Pickens	Wall
Dickinson	Howard	Posey	Mrs. Wilkins
Dunwoody	Howze	Powell	Williams
Embry	Kilborn	Ringer	Wyatt
Fanning	Kilpatrick	Rountree	Young
Fite			

—65

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the city of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said Committee amendment being as follows:

Amend Section 36 to read as follows:

Section 36. The Tax Assessor of Jefferson County shall be entitled to receive from the Tax Collector out of the first money collected for the said city of Bessemer, giving him duplicate receipts therefor, one of which receipts shall be forwarded to the State Auditor by the Tax Collector, two per cent commission on the taxes so collected.

Amend Section 37 to read as follows:

Section 37. The Tax Collector of Jefferson County shall be entitled to receive two per cent commission on taxes collected by him for the City of Bessemer.

Add the following:

Section 39. All fees created by reason of this bill shall be collected by the officer designated herein, and shall be by him paid into the County treasury of Jefferson County.

On motion of Mr. Howze the amendment was laid upon the table.

And the bill,

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the city of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Hatter	Melton
Adams	Deloney	Henley	St. John
Adcock	Dickinson	Henson	Sanders (Conecuh)
Allen	Dowdle	Hodgson	Sanders (Pike)
Ashcraft (Lauderd ^l)	Dunwoody	Howze	Sessions
Bealle	Elliott	Jeter	Smith (Jefferson)
Blackwell	Embry	Jones	Tiller
Bowen, Lewis	Fanning	Kilborn	Tunstall
Bowen, L. K.	Ferrell	Kilpatrick	Tyson
Boykin	Fite	Lee	Varner
Burns	Forman	Letson	Verner
Burton	Graves	Long	Wall
Byars	Grove	Love	Ware
Calloway	Guy	Luck	Williams
Christian	Hall	McDaniel	Wyatt
Coleman	Hampton	McGowen	Young
Cook			

—65

H. 509. To repeal an act entitled an act "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes," approved March 17, 1915.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, L. K.	Byars	Deloney
Ashcraft (Lauderd ^l)	Boykin	Calloway	Dunwoody
Bealle	Burns	Coleman	Elliott
Bowen, Lewis	Burton	Culver	Embry

Fanning	Jeter	Posey	Thompson (Etowah)
Ferrell	Jones	Ringer	Tiller
Fite	Lee	Rountree	Tunstall
Gaines	Long	Rutherford	Tyson
Glover	Love	Sanders (Conecuh)	Verner
Goode	McDaniel	Sanders (Pike)	Walker
Goodwyn	McGowen	Smith (Clay)	Wall
Graves	Mooneyham	Smith (Jefferson)	Walton
Hampton	Moxley	Snodgrass	Ware
Hodgson	Norman	Sollie	Mrs. Wilkins
Hornsby	Parker	Stewart (Bibb)	Williams
Howard	Pickens	Stewart (Calhoun)	Young
Howze			

—65

H. 106 (with substitute). To provide for the election of a county superintendent of education for Franklin county, Alabama, his term of office, and to provide for the appointment of a county superintendent of education of said county to serve from the time of the approval of this bill until his successor is elected and qualifies.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Education, said substitute being as follows:

Substitute for H. 106:

A BILL.

To be entitled an Act to provide for the election of a County Superintendent of Education for Franklin County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Be it enacted by the Legislature of Alabama:

Section 1. That a County Superintendent of Education for Franklin County, Alabama, shall be elected by the qualified electors of Franklin County, Alabama, who shall hold office until his successor is elected and qualified as hereinafter provided. That within three months after passage and approval of this act a special election shall be held on a day to be designated and fixed by the Probate Judge of Franklin County, Alabama, for the election of a County Superintendent of Education, who shall hold office until the next general election to be held in the State of Alabama and said County of Franklin, and until his successor elected therein shall have qualified; that said special election shall be conducted and the vote canvassed and the results in all respects as now provided by the general election laws of Alabama for the election of County officers. Provided that the person elected as County Superintendent at said special election

shall enter upon the duties of his office as soon as he shall qualify thereafter.

Section 2. That at the next general election to be held in said County and State a County Superintendent of Education for Franklin County, Alabama, shall be elected, who shall hold office for a term of four years and until his successor is elected and qualified, unless sooner removed for good cause, and each four years thereafter, a County Superintendent of Education for Franklin County, Alabama, shall be elected by the qualified voters of said County at the regular election, nomination for which office may be made in primary elections as other County officers.

Section 3. That the salary of said County Superintendent of Education shall be fixed by the County Board of Education of Franklin County, Alabama, which salary shall not be less than \$1,800.00 nor more than \$2,400.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for payment of County Superintendents of Education in the several counties of the State.

Section 4. That said County Superintendents of Education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State of Alabama in the conduct of the office of County Superintendents of Education; and no person shall be eligible for the office of County Superintendent of Education of said County of Franklin who is not a graduate of a standard normal school, or who has not completed courses in other institutions that are equivalent to such education or who does not hold a first grade or life certificate, and in addition thereto has had at least three years of successful teaching experiences, that no person shall be eligible to such office who is not a qualified elector of Franklin County, Alabama, at the time of the nomination or election to such office.

Section 5. That in the event of a vacancy in said office for any cause, except removal, such vacancy shall be filled by the County Board of Education, and the person so appointed shall hold office until the next general election thereafter when his successor shall be elected; that should any County Superintendent be removed for cause by the County Board of Education of Franklin County, such vacancy shall be filled by appointment of the State Superintendent of Education, and his appointee shall hold office as in the case provided by appointment of the County Board of Education. Provided, that the County Board of Education may remove the County Superintendent of Education for immorality, misconduct in office, incompetency, or willful

neglect of duty, or when the best interests of the schools require it; any of which causes must be alleged and proved, and the County Superintendent of Education shall have the right to be heard in his defense as in cases of impeachment against County officers, and all such hearings shall be before the County Board of Education and shall be conducted as in cases provided under the general laws for impeachment of County officers, and provided that upon such removal for cause any County Superintendent may appeal to the Circuit Court and have a trial by jury.

Section 6. That the duties and powers prescribed by the general laws of Alabama for the office of County Superintendents in the supervision of the schools of the several counties shall apply to and be incumbent upon the County Superintendent. The County Superintendent elected or appointed under the provisions of this act, and before entering upon the duties of said office, he must take the oath of office prescribed by the Constitution, and give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in Alabama, conditioned upon the faithful performance of the duties of his office, and upon the accounting and paying over to the proper authority all moneys coming into his hands.

Section 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

And the substitute was adopted.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Graves	Mooneyham	Snodgrass
Adams	Grove	Moxley	Sollie
Adcock	Hampton	Nichols	Stewart (Bibb)
Ashcraft (Lauderd ¹)	Hatter	Norman	Stewart (Calhoun)
Calloway	Hodgson	Parker	Thompson (Etowah)
Coleman	Holcombe	Patterson	Tiller
Cook	Hornsby	Pickens	Tunstall
Deloney	Howard	Ringer	Tyson
Dickinson	Howze	Rountree	Varner
Dunwoody	Kilborn	Rutherford	Walker
Elliott	Lee	Sanders (Conecuh)	Wall
Embry	Long	Sanders (Pike)	Walton
Fite	Love	Sessions	Ware
Gaines	Luck	Smith (Clay)	Mrs. Wilkins
Glenn	McDaniel	Smith (Jefferson)	Williams
Glover	McGowen	Smith (Lee)	Young
Goodwyn			

—65

And the bill

H. 106. To provide for the election of a county superintendent of education for Franklin county, Alabama, his term of office, and to provide for the appointment of a county superin-

tendent of education of said county to serve from the time of the approval of this bill until his successor is elected and qualifies.

As amended by the substitute, was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Poole
Ashcraft (Lauderd ¹)	Glenn	Kilborn	Ringer
Bealle	Goode	Kilpatrick	Rountree
Blackwell	Goodwyn	Lee	Rutherford
Bowen, L. K.	Graves	Letson	St. John
Boykin	Grove	Long	Sanders (Conecuh)
Burns	Guy	Love	Sanders (Pike)
Burton	Hampton	Luck	Smith (Clay)
Byars	Henley	McDaniel	Smith (Lee)
Calloway	Henson	Melton	Snodgrass
Deloney	Hodgson	Mooneyham	Stewart (Bibb)
Dowdle	Holcombe	Moxley	Stewart (Calhoun)
Embry	Hornsby	Nichols	Tiller
Fanning	Howard	Parker	Tyson
Ferrell	Howze	Patterson	Varner
Fite	Jeter	Pickens	Verner
Forman			

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H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the Town of Brighton, Alabama;" approved September 29, 1919.

Was read a third time at length and passed:

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Howard	Powell
Adams	Dowdle	Howze	Ringer
Adcock	Dunwoody	Jeter	Rountree
Allen	Elliott	Jones	Rutherford
Bealle	Embry	Kilborn	St. John
Bowen, Lewis	Fite	Kilpatrick	Sessions
Bowen, L. K.	Grove	Lee	Tiller
Boykin	Guy	Moorer	Tyson
Burns	Hall	Moxley	Varner
Burton	Hampton	Nichols	Verner
Byars	Hatter	Norman	Walker
Calloway	Henley	Odom	Wall
Christian	Henson	Parker	Walton
Coleman	Hodgson	Pickens	Ware
Cook	Holcombe	Poole	Wyatt
Culver	Hornsby	Posey	Young
Deroney			

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RECONSIDERATION.

Mr. Fite moved to reconsider the vote by which the bill, H. 517, was passed and the motion prevailed.

Mr. Fite moved to reconsider the vote by which the bill was ordered to a third reading, and the motion prevailed, and on motion of Mr. Fite the bill

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the Town of Brighton, Alabama;" approved September 29, 1919.

Was recommitted to the Standing Committee on Local Legislation.

ADJOURNMENT.

Under a Joint Resolution heretofore adopted, the House adjourned until Thursday morning, August 2nd, at 10 o'clock.

TWENTY-SEVENTH DAY.

House of Representatives,
Thursday, August 2nd, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Mr. Ashcraft, member of the House from Lauderdale.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Dickinson	Henson	Moorer
Adams	Dowdle	Hodgson	Moxley
Adcock	Dunwoody	Holcombe	Nichols
Allen	Elliott	Hornsby	Norman
Arrington	Embry	Howard	Odom
Ashcraft (Lauderdl.)	Fanning	Howze	Parker
Bealle	Ferrell	Hubbard	Patterson
Blackwell	Fite	Jeter	Pickens
Bowen, Lewis	Forman	Jones	Poole
Bowen, L. K.	Gaines	Kilborn	Posey
Boykin	Glenn	Kilpatrick	Powell
Burns	Glover	Lee	Ringer
Burton	Goode	LeMaistre	Rountree
Byars	Goodwyn	Letson	Rutherford
Calloway	Graves	Long	St. John
Cato	Grove	Love	Sanders (Conecuh)
Christian	Guy	Luck	Sanders (Pike)
Coleman	Hall	McDaniel	Sessions
Cook	Hampton	McGowen	Smith (Clay)
Culver	Hatter	Melton	Smith (Jefferson)
Deloney	Henley	Mooneyham	Smith (Lee)

Snodgrass	Thompson (Jackson)	Verner	Mrs. Wilkins
Sollie	Tiller	Walker	Williams
Stewart (Bibb)	Tunstall	Wall	Wyatt
Stewart (Calhoun)	Tyson	Walton	Young
Thompson (Etowah)	Varner	Ware	

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Sixth Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Twenty-Sixth Legislative Day was approved.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

By Mr. Ashcraft of Lauderdale:

H. J. R. 89. Whereas the hours for service in the Capitol have been stated as running from 8:30 A. M. to 5 P. M., and

Whereas the members of the Legislature are here for the purpose of transacting the business of the State with all possible speed, and

Whereas the Legislature have called to their assistance clerks,

Therefore, be it resolved by the House, the Senate concurring, that if any clerk absents himself or herself from the Capitol during the above-stated hours without leave of the Chairman of the Committee which he or she serves or other official in charge of the work of said clerk, his or her name shall be immediately dropped from the roll, and the Speaker of the House or the President of the Senate notified in order that the place of said clerk may be filled by some competent person, and no further pay shall be allowed such discharged clerk.

And the resolution was adopted.

By Rules Committee:

H. J. R. 90. Whereas a joint resolution has been passed requesting a statue of General Joseph Wheeler to be placed in the Hall of Fame in the Capitol at Washington.

Therefore, be it resolved by the House, the Senate concurring, that a committee of three, consisting of one member from the

Senate and two from the House, be appointed to represent the Legislature in matters arising concerning the preparation and placing of the statue, and that the Governor of Alabama be requested to act as Chairman of said Committee.

And the resolution was adopted.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 106. To provide for the election of a county superintendent of education in Franklin county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this act, and to provide for the election of his successor in office.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

Also:

H. 49. To further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows, and to make necessary appropriation therefor.

Also:

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin county.

Also:

H. 368. To amend Section 5 of an Act entitled "An Act to further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

Also:

H. 410. To provide for the election of the county superintendent of education of and for Conecuh county, Alabama, by the

qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Also:

H. 457. To require the county board of education of Henry county, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said county; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act.

Also:

H. 504. To alter and fix the boundaries of the city of Selma, a municipal corporation in Dallas county, Alabama.

Also:

H. 509. To repeal an act entitled an act "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes," approved March 17, 1915.

Also:

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

Also:

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the city of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Also:

H. 488. To establish an inferior court in Precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct,

and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court, and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

R. L. Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:
By Mr. Poole:

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and Probate Judges hereunder; and to provide penalties for violation of the provisions hereof.

Public Roads and Highways.

By Mr. Boykin:

H. 583. To empower cities and towns to prohibit the doing of certain acts on Sunday and to fix penalties for violating ordinances prohibiting such acts.

Revision of Laws.

By Mr. Moxley (with notice and proof):

H. 584. To amend insofar as it applies to Crenshaw County an act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors,

and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State," approved August 31, 1909.

Judiciary.

With notice and proof H. 584:

NOTICE.

To whom it may concern:

Notice is hereby offered that it is my intention to submit to the Legislature of Alabama which will convene in July 1923 for its passage an act entitled an Act, To amend insofar as it applies to Crenshaw County, an Act entitled An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State. Approved August 31st, 1909, so as to read as follows:

The members of the Court of County Commissioners of Crenshaw County, Alabama shall be ex-officio the jury commissioners and constitute the jury commission of said county.

Very respectfully,

J. B. Moxley.

State of Alabama, }
Crenshaw County. }

Before me, a Notary Public in and for the County and State aforesaid, personally appeared J. C. McLendon, editor and publisher of the Luverne Journal, a paper published at Luverne, Crenshaw County, Alabama, who being duly sworn, deposes and saith, that the above attached copy of a notice was published in the Luverne Journal for four (4) consecutive issues from the 21st day of June to the 12th day of July inclusive.

J. C. McLendon.

Sworn to and subscribed before me this July 28th, 1923.

W. Bayzor Martin,
Notary Public.

By Mr. St. John (with notice and proof) :

H. 585. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

Local Legislation.

With notice and proof H. 585:

NOTICE.

Notice is hereby given that the following bill will be introduced at the present session of the Legislature of Alabama:

AN ACT

To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

Section 1. Be it enacted by the General Assembly of Alabama that justices of the peace and notaries public who are ex-officio justices of the peace in and for precinct No. 3 in Cullman County, Alabama, shall have and may exercise jurisdiction in all civil cases, except in public cases of libel, slander, assault and battery and ejectment, within the limits of said county of Cullman, to an amount not exceeding one hundred dollars.

Section 2. Be it further enacted, That the constable of said precinct may execute all process issuing from the courts of such justices of the peace and notaries public with ex-officio powers, and for the execution of all such process outside of precinct No. 3, they shall be entitled to the same fees as are by law allowed to sheriffs for like services.

Section 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.
A. A. Self.

The State of Alabama, }
Cullman County. }

Before me, E. A. Schwarz, a Notary Public, in and for said County and State, personally appeared Mrs. R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of the said newspaper of the following dates, viz: February 8, February 15, February 22, March 1, 1923.

Mrs. J. R. Rosson,
Publisher.

Sworn to and subscribed before me this the 31st day of July, 1923.

E. A. Schwarz,
Notary Public.

By Mrs. Wilkins:

H. 586. To confer jurisdiction upon justices of the peace to try offenses arising under orders or regulations of courts of county commissioners or other governing bodies of counties regulating the use of the public roads and the running of vehicles over the same.

Judiciary.

By Mrs. Wilkins:

H. 587. To authorize Courts of County Commissioners or other governing bodies in counties to designate certain roads whereon vehicles loaded with more than 500 pounds of lumber or other merchandise or freight shall not be allowed to travel and to prescribe the penalty for violation of any such rule or ordinance or regulation.

Public Roads and Highways.

By Mr. Cato:

H. 588. To amend Sections 1313 and 1315 of the Code of 1907.

Revision of Laws.

By Mr. Smith of Jefferson:

H. 589. To make appropriations to the Alabama Boys' Industrial School.

Ways, Means and Appropriations.

By Mr. L. K. Bowen (By request) :

H. 590. To fix the compensation or salary of Sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the method, basis and payment of such compensation.

Local Legislation.

By Mr. Howze :

H. 591. To provide for the submission to the voters of all cities in this State, which now have or which may hereafter have a population of one hundred fifty thousand or more, according to the last or any succeeding Federal census, the question whether such cities shall be governed under the Mayor-Council, the Council-Manager, or the Commission form of municipal government; to describe, define, and provide for each of said forms of municipal government; to provide for the election and selection of the various officers to be elected and selected under each of said forms of municipal government; to fix the powers, duties, and compensation of such officers; to provide penalties for corrupt practices and other improper conduct in connection with the election of said officers and in connection with any other elections held under this Act; to provide penalties for other violations of the provisions of this Act; to advance the general welfare of all such cities; and otherwise to provide for the creation, conduct, operation and maintenance of each of said forms of government; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Municipal Organization.

By Mr. Odom :

H. 592. To provide for pensions for widows of soldiers and sailors, in the army and navy of the Confederate States of America, and for the regulation of the payment thereof.

Pensions and Soldiers' Home.

By Mr. Hampton (By request) :

H. 593. To provide for the election of city Boards of Education by the qualified electors of every city in this State now having a population, according to the last Federal Census or any Federal Census hereafter taken, of not less than Eight Thousand nor more than Ten Thousand.

Education.

By Mr. Forman :

H. 594. To provide compensation for the sheriffs of the several counties of the State of Alabama for the capture and destruction of illicit distilleries.

Claims and Fees.

By Mr. Powell (with notice and proof) :

H. 595. To provide that in Walker County, the Assessment Lists or Sheets shall constitute the Book of Assessments as required by the General Revenue Law.

Local Legislation.

Notice and proof H. 595 :

NOTICE.

A bill will be introduced at the present session of the Legislature substantially as follows:

An Act to be entitled, An Act to provide that in Walker County, the Assessment Lists or Sheets shall constitute the Book of Assessments as required by the General Revenue Law.

Be it enacted by the Legislature of Alabama that on and after the passage and approval of this act, that in Walker County, Alabama, the Tax Assessor shall not be required to prepare a book of assessments as provided for in the General Revenue Law, but in lieu thereof shall be required to arrange in alphabetical order, according to beats, the original assessment lists and cause the same to be permanently bound, and such assessment lists, when bound, shall constitute the Books of Assessments as provided by the law. Such assessment lists, when bound, shall be preserved the same as assessment books. Provided further that in making the Tax Collector's Abstracts, such abstracts shall be made direct from the assessment lists.

All laws and parts of laws in conflict with this act are hereby repealed.

C. W. Stubblefield.

State of Alabama, }
Walker County. }

Before me, a Notary Public, in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, says that he is the publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice copy of which is hereto attached, was published in said newspaper in its issues of July 11th, 18th, 25th, and August 1st, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 1st day of August, 1923.
(Seal)

Steve Cranford,
Notary Public.

By Mr. Powell:

H. 596. To prohibit facts illegally obtained from being used as evidence in any court in Alabama. '

Judiciary.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers, distributors or dealers, to any of its customers in this State of any rebate or special price or furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroying the business of a competitor, or creating a monopoly and to make it unlawful for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this act.

S. 162. To amend Section 4224 of the Civil Code of Alabama of 1907.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

S. 71 (with amendment). To amend Section five (5) of an act approved September 25, 1915, and entitled, "An Act to provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensations."

Mr. Burns, Chairman of the Standing Committee on Agriculture, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 470. To provide for the control and regulation of livery stables, sales stables, feed stables, stock yards, and stock pens in incorporated cities or towns.

Mr. St. John, Chairman of the Standing Committee on Corporations reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 519. To amend an act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 302. To alter and rearrange the boundary lines of the city of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

H. 569. To change the name of the Educational Revolving Fund to that of Equalizing Fund.

H. 575. To authorize County Boards of Education in the several counties of this State, to borrow money for the purpose of paying debts incurred or created by such boards, or that may be incurred or created until the first day of October, 1923, and to issue warrants therefor bearing interest at a rate not exceeding 6% per annum, payable at such time as the board may fix or to use such warrants in the payment of such debts.

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

S. 210. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with an amendment:

H. 379 (with amendment). To designate a certain Public Road of Alabama as a State Trunk Road and to provide the manner in which said road shall be located, improved and maintained.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 192. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose or purposes.

Mr. Graves, Chairman of the Standing Committee on Claims and Fees, reported that said Committee, in session, had acted on

the following bill and ordered same returned to the House with a favorable report with a substitute:

H. 142 (with substitute). To regulate the feeding of prisoners in county jails.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 348. To vacate and annul a portion of Railroad street in the town of Red Level, Alabama.

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to Sheriffs and Deputy Sheriffs.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 517. To repeal an act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the town of Brighton, Alabama;" approved September 29, 1919.

H. 479. To divide Tallapoosa County, Alabama into five Commissioners' Districts and provide for the election of the Commissioners for each of said districts.

S. 278. To abolish the County Court of Chilton County, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this act, together with all papers, records, processes and everything pertaining to the Circuit Court of Chilton County; to provide for the institution and prosecution of misdemeanors in the Circuit Court of Chilton County otherwise than by indictment by the Grand Jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the Circuit Court of Chilton County, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this act.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with an amendment:

S. 208 (with amendment). To amend an act entitled "An Act to create the office of Revenue Constable for Mobile County and to prescribe his duties," approved February 24, 1887, as amended by act approved February 11, 1893, and as amended by act approved August 2nd, 1907.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 557. To provide that women shall be members of the Board of Trustees or other like governing body of every State institution having custody or control of women, children or women and children. Provided, this Act shall not apply to Boards of Trustees the selection of whose membership is specifically provided for in the Constitution.

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

S. 248. To provide the form of government of a municipality where the corporate limits of a municipality are altered or rearranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report with amendment:

S. 289 (with amendment). To alter or re-arrange the boundary lines of the City of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

S. 81 (with amendment). To amend section 2472 of the Code of 1907 of Alabama.

H. 482 (with amendment). To amend Section 5222 of the Code.

H. 343 (with amendment). To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this act shall be null and void.

Mr. Ashcraft, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in ses-

sion, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 94. For the relief of Carl M. Glass, tax collector of Pickens County, Alabama. Whereas, Carl M. Glass as Tax Collector of Pickens County, State of Alabama, did pay to the State of Alabama for the year 1919, the sum of Ninety-one and 90/100 (\$91.90) Dollars in excess of the amount due by him as said Tax Collector to the State of Alabama, which said sum of money was erroneously paid, and for the purpose of reimbursing the said Carl M. Glass for said money so erroneously paid by him.

H. 342. To amend Section 8 of an Act entitled "An Act imposing an Excise Tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this state—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act," approved Feb. 10, 1923.

H. 458. To make an appropriation of \$200,000.00 for the purchase of land and erection of a sanatorium to be known as the Alabama Tuberculosis Sanatorium, and to be expended for the prevention and cure of tuberculosis, by the Board of Trustees of the Alabama Tuberculosis Sanatorium.

H. 459. To make appropriations for the upkeep and maintenance of a sanatorium for tuberculosis.

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of Four Hundred and Thirty-two (\$432.00) Dollars, for services rendered by him as Clerk or Secretary of the Alabama Public Service Commission.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 532. To amend section ten of an act approved April 18th, 1911, entitled: An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not or hereafter may not be, within the influence, or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from the office; to provide for the selection, of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of Public Works,

Police Commissioners, Councilmen, Aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," as amended by an act approved September 28th, 1915.

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to member of the Police and Fire Departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the County in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

H. 384. To permit municipalities, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding three dollars in each case, and to provide how the costs shall be used, upon its collection.

S. 194. To alter and rearrange the boundary lines of the City of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may here-

after have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the Probate Office of the County in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 576. To submit to the qualified voters of the state, at the general election held in 1924, a constitutional amendment prohibiting the adoption of any future Constitution for the state, or any amendment or amendments to the present State Constitution, until a majority of the qualified voters of the state shall have voted on the question of the adoption of such future constitution or amendments.

H. 56. To define and protect against fraudulent conveyances and to make uniform the law relating thereto.

H. 466. To regulate appeals by and in behalf of counties in this state, having according to the last or any subsequent Federal census two hundred thousand inhabitants or more.

H. 55. To provide for the creation of a commission of Uniform State Laws, the appointment of Commissioners thereto, and the payment of a contribution to the support of the National Conference of Commissioners on Uniform State Laws.

H. 183. To define and protect conditional sales of goods and to make uniform the law relating thereto.

H. 184. To make uniform the law of partnerships.

H. 185. To make uniform the law relating to limited partnerships.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 464. To render cities in this State of one hundred and fifty thousand (150) inhabitants or more according to the last or any subsequent Federal census liable for court costs.

H. 535. To amend Section 4887 of the Code of Alabama.

H. 237. To provide and create a commission form of government and to adopt the same in all cities in the State of Alabama, which now have, or which may hereafter have, a population of more than eight thousand and not more than ten thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election and appointment of commissioners and fix their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise to provide for the creation and maintenance of said commission form of government; and the impeachment of said commissioners.

H. 538. To amend Sections 2174 and 2175 of the Code of Alabama, * (Relates to receipts of tax collectors, to tax payers and stub books of receipts kept by collectors, and disposition of same).

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 385. To empower cities, towns, and municipal corporations to adopt and enforce reasonable rules and regulations to require owners, occupants and tenants of lots therein to keep weeds and grass on such lots and the sidewalks in front thereof cut and trimmed from time to time; to prescribe the method and time of notice for such cutting; to give a lien on the property for the cost of the work when done at the expense of the municipality; to prescribe for the enforcement of such lien; and to extend the power hereby conferred to apply to cemetery lots and the owners thereof.

Mr. Ashcraft, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 454. To amend section 11 of an act entitled An Act "To provide pensions for soldiers and sailors in the service of the

State of Alabama, and for their widows and for soldiers and sailors in the army or navy of the Confederate States of America and for their widows and for the regulation of the payment thereof and to constitute and appoint a Pension commission for the State of Alabama and prescribe its powers and duties, approved September 23, 1919.

Mr. Culver, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

Mr. Long, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 58. To make uniform the law of Bills of Lading.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 156. To further regulate the issuance and sale of State bonds authorized by the Constitution for the purpose of constructing, improving, repairing and maintaining public roads, highways, and bridges in Alabama.

Mr. St. John, Chairman of the Standing Committee on Corporations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 264. To amend section 3446 of the Code of Alabama down through subdivision one thereof.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1010.00, payable to him, issued by the Board of Revenue of Jefferson County, as and for the refund to him of said sum which he had theretofore paid by error into the County treasury of said county.

By Rules Committee:

H. R. 91. Resolved, That H. 308 and H. 307 be and are hereby made special paramount continuing order immediately for today.

And the resolution was adopted.

By Mr. Walton:

H. J. R. 92. Whereas, no memorial has been erected in the memory of those who gave their life for their country's cause during the World War, and

Whereas, many of those who made the supreme sacrifice were alumni of Alabama's two greatest State educational institutions, the University of Alabama and the Alabama Polytechnic Institute,

Now therefore, for the purpose of raising funds to erect a stadium as a memorial to these heroes on the campus of the Alabama Polytechnic Institute and on the campus of the University of Alabama;

Be it resolved, that the President of the University of Alabama and that the President of the Alabama Polytechnic Institute be requested to arrange a post season foot ball game between the teams of the two institutions and that the funds derived from such game be divided equally between said institutions for the purpose of creating a fund to be devoted to the erection of such memorial stadium;

Be it further resolved, that the Presidents of said Institutions be requested to report to the Governor of Alabama within two weeks after the passage of this resolution whether or not they will consent to the arrangements proposed by this resolution.

And the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

Pursuant to the provisions of the resolution:

S. J. R. 86. Relative to creating a committee of two from the Senate and three from the House to make a careful investigation of the clerical work of the two houses with a view to suggesting a more efficient, expeditious and economical method of handling this work.

The President has named as a Committee on part of the Senate Messrs. Tunstall and Waddell.

Also:

Pursuant to the provisions of the resolution:

S. J. R. 93. Relative to inviting General Gouraud to address a joint session of the Legislature on the occasion of his visit to Montgomery.

The President and Presiding Officer of the Senate has named as a committee on part of the Senate Messrs. Carmichael and Hudgens.

Also:

Pursuant to the provisions of the resolution:

S. J. R. 91. Relative to a Joint Committee to investigate and report as to needed repairs for the Governor's Mansion.

The President has named as a committee on part of the Senate Messrs. Ellis and Foster.

Also:

Pursuant to the provisions of the resolution:

S. J. R. 96. Relative to inviting General John J. Pershing to address a Joint Session of the Legislature on the occasion of his visit to Alabama.

The President of the Senate has appointed as a committee on part of the Senate Messrs. Carmichael and Hudgens.

Also:

Pursuant to the provisions of the resolution:

S. J. R. 97. Relative to creating a Committee to investigate the condition of Confederate Cemeteries on Northern Battlefields.

The President of the Senate has appointed as a Committee on part of the Senate Messrs. Jones of Barbour, Sloan and Harlan.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last federal census or any subsequent federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

To the Senate and House of Representatives:

Your Joint Committee appointed under Senate Joint Resolution No. 86, heretofore adopted, beg leave to report as follows:

We have made a careful examination and investigation as to the number of assistants employed by the clerical force of the House and Senate and beg leave to report and recommend that from and after the adoption of this report the number of employees to be employed in the various departments be limited as follows, to-wit:

1. The Secretary of the Senate is hereby authorized and empowered to employ twenty (20) assistants;

2. The Engrossing Clerk of the Senate is hereby authorized and empowered to employ six (6) assistants;

3. The Enrolling Clerk of the Senate is hereby authorized and empowered to employ six (6) assistants;

4. The Clerk of the House is hereby authorized and empowered to employ eighteen (18) assistants;

5. The Engrossing Clerk of the House is hereby authorized and empowered to employ twenty (20) assistants;

6. The Enrolling Clerk of the House is hereby authorized and empowered to employ twenty-two (22) assistants.

That the clerical employees appointed under this report to serve in the Senate shall be subject to the approval of the President of the Senate and the clerical employees appointed hereunder to serve in the House shall be subject to the approval of the Speaker of the House.

J. Lee Long, Chairman,

F. E. St. John,

A. M. Tunstall,

Committee on part of House.

B. de G. Waddell,

W. C. Tunstall,

Committee on part of Senate.

The report of the Joint Committee was concurred in and adopted.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to Governor, 11 a. m., August 2, 1923.

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of

the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this Act shall become effective.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted:

H. J. R. 89. Relative to the hours for service in the Capitol by the Clerks and other legislative assistants.

Also:

H. J. R. 92. Relative to a post season foot ball game between the University of Alabama and the Alabama Polytechnic Institute for the purpose of raising funds for the erection of a memorial to those who gave their life during the World War.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Joint Committee of the two Houses appointed under S. J. R. 86 relative to the clerical assistance of the two Houses, which report is as follows:

To the Senate and House of Representatives:

Your Joint Committee appointed under Senate Joint Resolution No. 86, heretofore adopted, beg leave to report as follows:

We have made a careful examination and investigation as to the number of assistants employed by the clerical force of the House and Senate and beg leave to report and recommend that

from and after the adoption of this report the number of employees to be employed in the various departments be limited as follows, to-wit:

1. The Secretary of the Senate is hereby authorized and empowered to employ twenty (20) assistants;

2. The Engrossing Clerk of the Senate is hereby authorized and empowered to employ six (6) assistants;

3. The Enrolling Clerk of the Senate is hereby authorized and empowered to employ six (6) assistants;

4. The Clerk of the House is hereby authorized and empowered to employ eighteen (18) assistants;

5. The Engrossing Clerk of the House is hereby authorized and empowered to employ twenty (20) assistants;

6. The Enrolling Clerk of the House is hereby authorized and empowered to employ twenty-two (22) assistants.

That the clerical employees appointed under this report to serve in the Senate shall be subject to the approval of the President of the Senate and the clerical employees appointed hereunder to serve in the House shall be subject to the approval of the Speaker of the House.

J. Lee Long, Chairman,

F. E. St. John,

A. M. Tunstall,

Committee on part of House.

B. de G. Waddell,

W. C. Tunstall,

Committee on part of Senate.

J. E. Speight,

Secretary.

COMMUNICATION.

The following communication was read and ordered spread upon the Journal:

Whereas our Legislative Committee has reported to us that the Legislature and its individual members have received said Committee courteously and have always been ready to give consideration to our Legislative program and to the suggestions of our said Committee.

Therefore, be it resolved that this Association respectfully convey to the Legislature its appreciation of their thoughtfulness, courtesy and consideration.

Be it further resolved that a copy of this resolution be forwarded to the President of the Senate and to the Speaker of the House of Representatives.

J. B. Farley.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message with reference to a call for a nation-wide convention of the press, bankers and

other interests to assemble in New Orleans, September 19th and 20th, 1923, for the purpose of devising means for combating the boll weevil menace.

Respectfully,

Otis A. Adams,
Private Secretary to the Governor.

GOVERNOR'S MESSAGE.

August 1, 1923.

To the Legislature of Alabama:

There is scarcely any subject more momentous and of greater interest to our State and in fact our nation, than the damage being wrought annually on our nation's commerce by the boll weevil.

The Louisiana Bankers' Association, in connection with Governor John M. Parker of that State and Mayor Andrew McShane of New Orleans, upon the recommendation of United States Senator Joseph E. Ransdell of Louisiana, has issued a call for a nation-wide Convention of the Press, bankers, transportation, mercantile, manufacturing and agricultural interests to assemble in convention in New Orleans on September 19th and 20th, 1923, for the purpose of devising ways and means of combating the boll weevil menace to our nation.

Cotton in normal times was the one item of commerce which turned the balance of the world's trade in favor of the United States of America and I commend and suggest your active support and co-operation in this timely and commendable movement.

Respectfully,

Wm. W. Brandon,
Governor.

August 1, 1923.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith his message.

Respectfully,

Otis Adams,
Secretary to the Governor.

August 1, 1923.

GOVERNOR'S MESSAGE.

To the Members of the House of Representatives:

I earnestly request the Legislature to pass the two bills now before the House; one for the adoption of the new Code of laws for the State; and the other to provide for the publication and distribution of the Code so adopted.

Section 85 of the Constitution, among other things, provides that the Legislature shall make provision, every twelve years, for the revising, digesting and promulgating of the public statutes of the State. It has now been sixteen years since the statutes have been codified, revised and digested as required by the Constitution. The Legislature of 1919 passed an Act to provide for the revision, codification, digesting and promulgation of the public statutes of this State. The Act provided that the chief justice of the supreme court, the presiding judge of the court of appeals and the governor should appoint a Code Commission to codify revise and digest these public statutes. They appointed Judge Mayfield as Code Commissioner, the same person who codified the laws for the present

Code of 1907. That Act required the Commissioner, at least three months before the convening of the present Legislature, to deliver the Code to the Governor, together with a sworn statement showing each and all of the changes that he had made. This manuscript so prepared by the Code Commissioner was delivered to the present Legislature at the convening of the session, together with the report of the Commissioner as to the changes which he had made in the existing laws.

Among the first Acts passed by the Legislature was one to provide for the appointment of a joint committee of the two Houses to read and revise the manuscript of the new Code prepared by the Code Commissioner, and to prescribe its powers and duties, etc. In pursuance of that Act and in accordance with it, the Committee was appointed, consisting of four members of the Senate and eight members of the House, the Lieutenant Governor and the Speaker of the House. This Committee sat during the recess to discharge the duties imposed upon it by law. The Committee made its report to the Legislature and introduced two bills; one to adopt the Code, and the other to provide for its publication and distribution. A resolution has been introduced in the House to require the Committee to report the changes which it had made in the manuscript prepared by the Code Commissioner, to the end and for the purpose, I suppose, that the Legislature might, separately and severally, pass upon the changes which the Committee had made. Theoretically, this action would be correct; but practically, it is impossible of performance. For each member of the Legislature to vote or act intelligently upon these changes, he would of course have to know what the law was before the change was made; he would have to compare the changed law or statute with the corresponding one before it was changed; he would have to know and examine all of the statutes passed since the adoption of the Code of 1907, to see whether or not the change made by the Committee was justified or required by any of the various statutes. To do this would consume months and months, certainly more time than the Legislature has at its disposal. The nature and character of the work of a Legislature adopting a Code makes it, of necessity, work that must be done by and through a committee, and the members of the Legislature, of necessity, must rely upon the Committee, if a Code is to be adopted. As above pointed out, it is a physical impossibility for the Legislature as a whole to deal with the entire subject. What one member might consider an important change and one justified or required, another member might think not important or not justified, and a great number of changes which, of necessity, have to be made either by the Code Commissioner or by the Code Committee, in order to codify and digest the laws of the State, renders it impracticable for the Legislature as a whole to act upon each change intelligently within the time allowed by the Constitution for a session of the Legislature.

The Act now before the House, which provides for the publication and distribution of the new proposed Code requires the Code Commissioner to make a certified copy of the Code as adopted. If any important omissions or additions should be found which, in the judgment of the Code Commission, should be changed, he can report the same to the governor or to the Legislature with proposed bills to correct such faults, which can be corrected during this session.

This bill for the publication and distribution also provides that the new Code, when published and before distribution, shall be put into force and effect by a proclamation of the governor. If there should be any grave faults in the new Code of sufficient importance to justify it, I, as governor, could call an extra session of the Legislature for the purpose of correcting them before it was put into force and effect.

The Code Commissioner informs me that he has already drafted and prepared a number of bills to provide changes in the present Code that escaped his attention; and also some changes and omissions made by the Code Committee.

The Code Committee also informs me that they have made no changes increasing salaries of any of the various officers and employees of the state; that they have made no changes which created any new offices and that they have provided no extra compensation to any of the officers or employees of the state or its various departments; that they have made no exemption of any persons, property or corporations from taxation; and that the manuscript of the Code as last revised by the Committee confers no privileges or immunities upon any officers or employees; that while the Committee did at first provide that members of the state tax commission might have the privilege of receiving free passes over railroads, as members of the public service commission are now authorized to receive, that after further consideration of the subject, and finding that many members of the Legislature thought it an unwise provision, the Committee have struck out their amendment as to the members of the state tax commission, and this statute is unchanged from that passed by the Legislature itself.

The only intelligent manner in which the Legislature can now revise the work of the Recess Code Committee is to appoint another committee to revise the work of the former committee. To do this would require another recess of several months, which would necessitate incurring large expense and much loss of time. The work of another committee would probably be no more satisfactory and probably no better than the work of the first committee. For another committee to make a hurried examination and report of the Code would be dangerous, for the reason that they could not inform themselves as to the merits or demerits of changes, nor could they intelligently recommend changes unless they had had time to examine the entire subject, which, from its nature and character cannot be done in a short time. I do not see how any permanent or lasting injury can come from the adoption of the Code as it is now presented. I make these recommendations after a full discussion of the subject with the Code Commissioner, the Code Committee and other members of the Legislature who have had experience in such matters.

For these reasons and others unnecessary to enumerate, I respectfully suggest to the members of the Legislature, if it meets with their approval, to pass, as soon as practicable, these two bills; the one adopting the new Code and the other providing for its publication and distribution. If there should be any grave defects, the result of omission or commission, in the new Code, such defects can be changed or corrected before the Code is put into force or effect. If these two Acts should be passed at once, it will be probably May or June of next year before the Code can be put into effect.

Respectfully submitted,
Wm. W. Brandon,
Governor of Alabama.

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the bill:

H. 308. To adopt a Code of Laws for the State of Alabama.
And the bill:

H. 308. To adopt a Code of Laws for the State of Alabama

Was read third time at length and passed.

Yeas, 60; nays, 37.

Yeas:

Messrs:

Mr. Speaker	Fanning	Kilborn	Smith (Jefferson)
Allen	Ferrell	Luck	Smith (Lee)
Arrington	Fite	McDaniel	Snodgrass
Ashcraft (Lauderdl.)	Glenn	Melton	Stewart (Bibb)
Bealle	Goode	Mooneyham	Stewart (Calhoun)
Bowen, L. K.	Goodwyn	Moorer	Tunstall
Burns	Graves	Nichols	Varner
Calloway	Grove	Norman	Verner
Cato	Hatter	Odum	Walker
Christian	Holcombe	Patterson	Wall
Coleman	Howard	Pickens	Walton
Culver	Howze	Rountree	Mrs. Wilkins
Deloney	Hubbard	Rutherford	Williams
Dickinson	Jeter	St. John	Wyatt
Embry	Jones	Smith (Clay)	Young

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Nays:

Messrs:

Adams	Forman	Hornsby	Ringer
Adcock	Gaines	Kilpatrick	Sanders (Conecuh)
Blackwell	Glover	Lee	Sanders (Pike)
Bowen, Lewis	Guy	Letson	Sessions
Boykin	Hall	Long	Sollie
Burton	Hampton	Love	Thompson (Etowah)
Byars	Henley	Moxley	Thompson (Jackson)
Cook	Henson	Parker	Tiller
Dowdle	Hodgson	Powell	Ware
Elliott			

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Mr. Merrill (Mr. Tunstall presiding), moved to reconsider the vote by which the bill was passed and then moved to table his motion to reconsider, and the motion to table prevailed.

RECOMMITTAL OF BILLS.

On motion of Mr. Howze,

H. 541. To repeal the charter of the Town of Lipscomb, Jefferson County, Alabama, and to dissolve the municipal corporation of said town, and to provide for the disposal of its corporate property.

And

S. 91. To amend section 1, of "An act to provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury," approved February 11, 1919.

Were recommitted to the Standing Committee on Local Legislation.

REPORT OF RULES COMMITTEE.

The following resolution was returned by the Rules Committee with a favorable report:

JOINT RESOLUTION.

By Mr. Long:

H. J. R. 82. Whereas the contracts used by the New York and the New Orleans Cotton Exchanges, in Cotton Futures transactions, is a Seller's Option contract, giving all the optional advantages both as to time and grade of delivery, to the sellers, whose interest it is to depress the price of cotton:

And whereas such seller's option contracts by making uncertain the grades of cotton tenderable under them injects a gambling hazard into the transactions of said Exchanges, and makes easier the manipulation of the price of cotton;

And whereas such seller's option contracts place every disadvantage and hazard of the option upon the buyers, whose interest it is to raise the price of cotton;

And whereas if such transactions are to be permitted to continue it is manifestly but just to all, and especially to cotton producers that these discriminations, uncertainties, and gambling hazards be eliminated from such contracts;

And whereas, the principles incorporated in what is commonly known as the "Dial Amendment" to the Cotton Futures Act would in part remove from these contracts the discrimination in favor of sellers and would in part remove the hazard upon buyers and would in part remove the uncertainty and gambling element in such transactions and make less easy the manipulation of the price of cotton in said exchanges;

Therefore, be it resolved by the House, the Senate concurring, that the Legislature of Alabama endorses the principles incorporated in the Dial Amendment to the Cotton Futures Act, and urges the Senators and Representatives of Alabama in the Congress of the United States to use every honorable effort to enact said principles into the law of the land.

Be it further resolved that the clerk of the House transmit a copy of this resolution to each of said Senators and Representatives.

And the report of the committee was concurred in and the resolution was adopted.

ADJOURNMENT.

On motion of Mr. Long, the House adjourned until tomorrow morning at 10 o'clock.

TWENTY-EIGHTH DAY.

House of Representatives,
Friday, August 3rd, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Bealle of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Fanning	Lee	Sanders (Conecuh)
Adams	Ferrell	LeMaistre	Sanders (Pike)
Adcock	Fite	Letson	Sessions
Allen	Forman	Long	Smith (Clay)
Arrington	Gaines	Love	Smith (Jefferson)
Ashcraft (Lauderd')	Glenn	Luck	Smith (Lee)
Bealle	Glover	McDaniel	Snodgrass
Blackwell	Goode	McGowen	Sollie
Bowen, Lewis	Goodwyn	Melton	Stewart (Bibb)
Bowen, L. K.	Grove	Mooneyham	Stewart (Calhoun)
Boykin	Guy	Moorer	Thompson (Etowah)
Burns	Hall	Moxley	Thompson (Jackson)
Burton	Hampton	Nichols	Tiller
Byars	Hatter	Norman	Tunstall
Calloway	Henley	Odom	Tyson
Cato	Henson	Parker	Varner
Christian	Hodgson	Patterson	Verner
Coleman	Holcombe	Pickens	Walker
Cook	Hornsby	Poole	Wall
Culver	Howard	Posey	Walton
Deloney	Howze	Powell	Ware
Dickinson	Hubbard	Ringer	Mrs. Wilkins
Dowdle	Jeter	Rives	Williams
Dunwoody	Jones	Rountree	Wyatt
Elliott	Kilborn	Rutherford	Young
Embry	Kilpatrick	St. John	

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the twenty-seventh legislative day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the twenty-seventh legislative day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Graves for today.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 308. To adopt a code of laws for the State of Alabama.

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Foster:

S. 172. To amend an Act approved October 31, 1921, entitled an Act to provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate standing committee as follows:

Public Roads and Highways, S. 172.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Tunstall:

H. J. R. 93. Whereas, the Honorable Oscar W. Underwood is the candidate of the State of Alabama for the Democratic nomination for the presidency of the United States, and

Whereas, it is desired to use all proper efforts to further his candidacy,

Therefore, be it resolved by the House, the Senate concurring, That a committee consisting of the Governor, the Chief Justice of the Supreme Court, the Lieutenant-Governor, the President

pro tem of the Senate, the Speaker of the House, and five members of the Senate and nine members of the House to be appointed by their respective presiding officers, and the chairman of the State Democratic Executive Committee, be and the same hereby is raised, to visit the State of Georgia while its Legislature is in session to present to the Democrats of Georgia the claims of our candidate and to invite the hearty co-operation of our fellow Democrats of Georgia in securing his nomination.

On motion of Mr. Tunstall the rules were suspended and the resolution was adopted.

The Speaker named as a committee on part of the House, Messrs. Tunstall, Long, Walker, Ashcraft of Lauderdale, St. John, Kilpatrick, Goodwyn, Williams and Pickens.

By Mr. Jeter:

H. R. 94. Be it resolved by the House, that H. 268 be made a special and continuing order for Tuesday, Aug. 7th, immediately after reports of standing committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Long:

H. R. 95. Be it resolved by the House, that S. 193 be made a special order for Tuesday, Aug. 7th, immediately after the report of standing committees.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Mr. Martin, Chairman Rules Committee:

S. J. R. 107. Resolved by the Senate of Alabama, the House of Representatives concurring, That the Legislature of Alabama has learned with deepest regret of the death of the President of the United States, and deplores the nation's loss in the sudden death of its great chieftain, and as a mark of respect in memory of our President, that the Legislature of Alabama shall stand adjourned when the hour of 12 M. arrives on this the 3rd day of August, 1923.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 107, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Mr. Martin, Chairman Rules Committee:

S. J. R. 108. Resolved by the Senate of Alabama, the House of Representatives concurring, That the Governor of Alabama is hereby requested to send by telegram to Mrs. Warren G. Harding, the resolution adopted by the Legislature of Alabama on the death of her distinguished husband, and that the Secretary of State of Alabama, is requested under the seal of the State to transmit copies of said resolution to Hon. George B. Christian, Secretary to the late President, Hon. Chas. E. Hughes, Secretary of State, and Mrs. Warren G. Harding, the President's grief stricken widow.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 108, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Mr. Martin, Chairman Rules Committee:

S. J. R. 109. Resolved by the Senate, the House of Representatives concurring, That when the two houses adjourn today, they stand adjourned until Tuesday, August 7, 1923, at 2 P. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 109, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 93. Relative to creating a joint committee to visit the Georgia Legislature and invite the hearty co-operation of the Democrats of the State of Georgia in the candidacy of Mr. Underwood.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following joint resolution, your signature thereto is requested:

S. J. R. 104. Memorializing the Secretary of Agriculture and the Chief of the Bureau of Public Roads to grant a hearing to the Alabama Highway Department and permit it to present them its appointed representative's evidence and facts of the true and correct mileage of Alabama.

J. E. Speight,
Secretary.

SIGNING OF SENATE RESOLUTION.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the resolution the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 412. To provide for the organization, regulation and government of the State bar including admissions and disbarments of lawyers.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Duncan:

S. 244. To repeal sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Also:

By Mr. Teasley:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to pro-

vide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, S. 320.

Banking and Insurance, S. 244.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 475. To arrange the boundary between Elmore and Montgomery counties.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution, and sends same herewith to the House, to-wit:

By Mr. Ellis:

S. J. R. 110. Whereas, our fellow Democrats of Georgia desire that the Democratic National Convention of 1924 be held in the city of Atlanta, and

Whereas, it would be highly gratifying to the people of Alabama to see the claims of Georgia upon the party thus honored,

Therefore be it resolved, by the Senate, the House concurring, That the Legislature of Alabama endorses the candidacy of the

city of Atlanta to be selected as the place of holding the next Democratic National Convention, and respectfully recommends its selection for such purpose to the National Committee.

Be it further resolved, That a copy of this resolution be transmitted to the Governor and Legislature of Georgia, the mayor of Atlanta, the chairman of the committee for securing the Democratic Convention for Atlanta, and the chairman and Alabama members of the National Democratic Committee.

J. E. Speight,
Secretary.

The following bill was read one time at length and referred to the Standing Committee on Judiciary:

By Mr. Mooneyham:

H. 597. A bill to be entitled an Act to propose an amendment to section 48 of the Constitution of 1901 of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. It is hereby proposed that section 48 of the Constitution of 1901 of Alabama be amended so as to read as follows, to-wit:

"Section 48. The Legislature shall meet biennially at the Capitol, in the Senate chamber, and in the hall of the House of Representatives, on the second Tuesday in January next succeeding their election, and on the second Tuesday in January two years thereafter, or on such other day as may be prescribed by law; and shall not remain in session longer than thirty-five days. If at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet or remain in the hall of the House of Representatives, the Governor may convene the Legislature, or remove it, after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require."

Section 2. This proposed amendment shall be submitted to the qualified electors of the State at the general election next succeeding this session of the Legislature.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Long:

H. 598. To require that all stationery, books, blank books, office supplies and office material for the use of the several State offices, departments, commissions, bureaus and boards, and for the use of the offices and officials of the several counties of the State, be purchased from persons, firms or corporations whose

principal place of business is within the State of Alabama, and requiring that all printing used by the several departments of the State and the several counties of the State shall be done within the State of Alabama.

Public Printing.

By Mr. Burton:

H. 599. To provide for the construction, maintenance and repair of public roads, highways and bridges by the use of State convicts.

Public Roads and Highways.

By Mr. Nichols (by request):

H. 600. Defining the crime of criminal syndicalism and prescribing punishment therefor.

Judiciary.

By Mrs. Wilkins:

H. 601. To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

Ways, Means and Appropriations.

By Mr. Thompson of Etowah (by request):

H. 602. To regulate the feeding of prisoners in county jails.

Revision of Laws.

By Mr. Christian:

H. 603. To authorize courts of county commissioners and boards of revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to deposit them in some solvent savings bank in the State of Alabama in the name of the county, or to invest the same in interest bearing securities issued by the United States Government or by the State of Alabama.

Revision of Laws.

By Mr. Gaines:

H. 604. To amend section 5534 of the Code of Alabama of 1907.

Commerce and Common Carriers.

By Mr. Lewis Bowen:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Education.

By Mr. Rives:

H. 606. To amend section 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars" approved September 16, 1915 (General Acts of 1915, page 589).

Judiciary.

By Mr. Kilborn (by request) (with notice and proof):

H. 607. To confer upon the board of school commissioners of Mobile county the power of eminent domain and the right to exercise the same.

Local Legislation.

Notice and proof H. 607:

TO WHOM IT MAY CONCERN.

Notice is hereby given that, at the adjourned session of the Alabama Legislature, to commence on July 10, 1923, a bill will be introduced to confer upon the board of school commissioners of Mobile county the power of eminent domain and the right to exercise the same.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and County, this day personally appeared W. M. Fincher, who is known to me and who being by me first duly sworn deposes and says that he is secretary-treasurer of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of bill to confer upon the board of school commissioners of Mobile county the power of eminent domain and the right to exercise the same, appeared in the said Mobile Register once a week for four consecutive weeks, to-wit, in the issues of June 28th, July 2nd, 9th and 16th, 1923.

W. M. Fincher,

Secretary and Treasurer.

Subscribed and sworn to before me on this the 16th day of July, 1923.

Nettie Chandler,

(Seal)

Notary Public, Mobile County, Alabama.

By Mr. Calloway (by request):

H. 608. To make an appropriation to pay premiums on cattle and hogs exhibited at the Alabama Fat Stock Show in Montgomery, Alabama.

Agriculture.

By Mr. Goodwyn:

H. 609. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities having a population of less than 100,000, according to the last preceding Federal census, including payments or contributions required to be made to any firemen's compensation or relief funds in such municipalities.

Banking and Insurance.

By Mr. Sanders of Pike:

H. 610. To amend an Act approved Oct. 5, 1920, further regulating the killing of squirrels and prescribing the open and closed season as to.

Game, Fish and Forestry Preservation.

By Mr. Parker:

H. 611. To further provide for the regulation of motor vehicles operating upon the public highways of this State and to provide penalties for the violation of the provisions of the Act.

Public Roads and Highways.

BILLS ON SECOND READING.

Mr. Adcock, chairman of the Standing Committee on Pensions and Soldiers' Home, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her name placed on the Confederate pension roll.

S. 146. To amend section 2044 of the Code of Alabama.

Mr. Walton, chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 555. To provide for and require the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

Mr. Culver, chairman of the Standing Committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 552 (with substitute). To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

Mr. Ashcraft, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 312 (with amendment). To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for

the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

Mr. Ashcraft, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 543. For the relief of Mrs. Lola Staten, Mrs. Evaline Tolbert, Willie Banks, Lizzie Easterwood, K. H. Isbell, Sammy Isbell, Dan Isbell, Ola Isbell, Dallas Isbell, Ollie Isbell and Louis Isbell. Whereas, George Delaney, a late resident of Hale county, Alabama, was born a foreigner and outside the jurisdiction of the United States and died intestate on the 29th day of August, 1913, and, whereas, the probate court of Hale county, Alabama, issued letters of administration on the estate of said George Delaney, deceased, and in due course and according to law the proceeds from said estate escheated to the State of Alabama, in accordance with the final decree of the probate court of said county rendered on December 9th, 1916, and the sum of \$8,376.35 was paid into the treasury of the State of Alabama as the net proceeds of said estate; and, whereas, the above named parties who constitute all of the heirs and next of kin of said George Delaney, deceased, who have never received any share, part or interest of, or in said estate; and, whereas, all of said heirs of the said George Delaney, deceased, are interested in said estate, now therefore:

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State treasury of the sum of five hundred dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such. Section One. Whereas Ennis Roy Jones was arrested by the deputy sheriff of Jefferson county, Alabama, and was by him delivered on the 1st day of September, 1921, to the Convict Department of the State of Alabama by the name of John Henry Russell, who was an escaped convict from Lowndes county, Alabama, and whereas the said Ennis Roy Jones was held in the State penitentiary of Alabama from the 1st day of September, 1921, until the 4th day of December, 1921, and caused to serve as a convict. And whereas the said Ennis Roy Jones was released from said penitentiary because he was not John Henry Russell, as he was supposed to be, and whereas the

said Ennis Roy Jones ought in good conscience to have compensation from the State for services rendered by him while so imprisoned; now therefore.

Mr. Walker, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 513 (with amendment). To amend subdivision 7 of section 3754 of the Code of Alabama.

The above and foregoing bills were severally read a second time and placed upon the calendar.

Mr. Walton, chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 546. To provide for the control, management, supervision, hiring and inspection of county convicts.

Mr. Adcock, chairman of the Standing Committee on Pensions and Soldiers' Home, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 284. To amend an Act of the Legislature of Alabama approved August 12th, 1915 entitled "An Act to amend section 2044 of the Code of 1907 of Alabama."

H. 51. To amend section 11 of an Act to provide pensions for soldiers and sailors in the service of the State of Alabama and for their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and for their widows and for the regulation of the payment therefor and to constitute and appoint a pension commission for the State of Alabama, and prescribe its powers and duties, approved September 23, 1919, which said section was amended by an Act approved October 5, 1920.

H. 93. To amend section 5 of an Act approved October 5, 1920, entitled an Act to amend sections 4 and 5 of an Act approved September 23rd, 1919, entitled "An Act to provide pensions for soldiers and sailors of the service of the State of Alabama, and for their widows and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties" by changing the term of required residence in the State from five years to three years and by providing a requirement of additional, specific duties to be performed in carrying out the purposes of said Act and compensation therefor."

H. 135. To prescribe and fix the amount of pension to be paid to all soldiers and sailors in the military or naval service of this State or the Confederate States, in the war between the states, 1861-1865, who are now, or who shall hereafter become entitled under any law of this State, to pension; and to prescribe and fix the amount of pension to be paid to the widows of all such soldiers and sailors; and to abolish all classification of such widows as now provided by law, and to require such pensions to be paid in quarterly installments, on the first day of January, April, July and October of each year; and to repeal all laws in conflict with this Act.

H. 226. To amend sections 4, 5, and 6 of an Act of the Legislature of Alabama of 1919, entitled an Act: "To provide pensions for the soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and for their widows, and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama and to prescribe its powers and duties," so as to read as follows.

H. 250. To amend section 2044 of the Code of Alabama.

H. 257. To amend sections 2038 and 2039 of the Code of Alabama.

S. 142. To amend sections 2038 and 2039 of the Code of Alabama.

H. 275. To amend parts or subdivisions four (4) and eleven (11) of an Act of the Legislature of Alabama, approved Sept. 23, 1919, and to further classify widows under that Act, entitled "An Act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of and the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties, so as to provide for the qualifications of soldiers and sailors in the army or navy of the Confederate States of America entitled to pensions and to provide for pensions for said soldiers and sailors."

INDEFINITELY POSTPONED.

S. 91. To amend section 1, of "An Act to provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury," approved February 11, 1919.

Was on motion of Mr. Love indefinitely postponed.

RECOMMITTAL OF BILLS.

On motion of Mr. Verner:

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers, distributors or dealers, to any of its customers in this State of any rebate or special price or furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroying the business of a competitor, or creating a monopoly and to make it unlawful for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this Act.

Was recommitted to the Standing Committee on Judiciary.

Mr. Ashcraft of Lauderdale, chairman of the Standing Committee on Ways, Means and Appropriations, returned to the House, H. 481, with the request that the bill be re-referred to the Standing Committee on Education, and the bill:

H. 481. To authorize boards of revenue or courts of county commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Was referred to the Standing Committee on Education.

MOTION TO TAKE BILL FROM ADVERSE CALENDAR.

Mr. Adams called up his motion to take the bill, H. 341, from the adverse calendar.

Mr. Tunstall moved to table the motion of Mr. Adams, and the motion to table prevailed.

Yeas, 51; Nays, 22.

Yeas:

Messrs:

Mr. Speaker

Blackwell

Burns

Calloway

Cato

Coleman

Cook

Dunwoody

Elliott

Embry

Ferrell

Goodwyn

Grove

Guy

Hatter

Henley

Henson

Hodgson

Holcombe

Hornsby

Howard

Howze

Hubbard

Jones

Lee

Long

Love

McDaniel

Melton

Mooneyham

Moxley

Nichols

Norman

Parker

Patterson

Ringer

Rountree

Rutherford

St. John

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Lee)

Stewart (Calhoun)

Tiller

Tunstall

Varner

Walker

Walton

Ware

Williams

*Nays:***Messrs:**

Adams	Deloney	Letson	Smith (Jefferson)
Adcock	Dowdle	Odom	Stewart (Bibb)
Bealle	Fanning	Posey	Thompson (Etowah)
Bowen, Lewis	Forman	Powell	Thompson (Jackson)
Bowen, L. K.	Jeter	Rives	Verner
Burton	Kilborn		

—22

MESSAGE FROM THE GOVERNOR.

“Message to the House of Representatives:

Gentlemen of the House:

Herewith I am returning without my approval House bill No. 6, “A bill to be entitled an Act to provide for the election of a county superintendent of education for Coffee county, * * *” etc.

My objections to the bill in its present form are as follows:

1. The bill in its present form fixes the sum of \$1,800.00 as the minimum and \$2,400.00 as the maximum salary for the superintendent. Measured by pre-war values, as estimated by the U. S. Bureau of Labor Statistics, this would be equivalent to a salary of about \$1,396.00. I greatly fear that this compensation would not command the services of educators adequately qualified by training and experience for the important position of county superintendent of education. It seems to me that the matter of compensation may well be left to the judgment of the county board of education, with the minimum remaining the same as that now provided by the general law, which is \$1,500.00.

2. The bill in its present form fixes the first grade teacher's certificate as the minimum qualification for the office of county superintendent of education in Coffee county, which certificate may be obtained by any high school graduate and is now held by many teachers who have not completed the high school course. Under the present general law and its operation all county superintendents are now required to hold an Alabama certificate in administration and supervision issued by the State Board of Education, the requirements for which are estimated to be several years higher than those prescribed for a first grade certificate. Therefore, a superintendent possessing no higher qualifications than those prescribed in this bill would find many of the teachers under his supervision outranking him materially in scholarship and professional training. Such a situation would, it is feared, result in conditions from which the children of the county would be the chief sufferers.

However much there may be of difference of opinion in regard to the best method for the selection of county superintendents I submit that there should be no difference of opinion in the matter of qualifications; that there should be no lowering of standards and that the minimum qualifications for superintendents should be uniform throughout the State. The children of every county are entitled to school supervision as efficient as that provided for the children of every other county. To that end, the qualifications of county superintendents should be made as nearly uniform as is possible.

I, therefore, suggest the following amendments to the bill:

1. Amend section 3 of the bill as written so as to read as follows:

“Section 3. That the salary of the said county superintendent of education shall be fixed by the county board of education of said county at not less than fifteen hundred (\$1,500.00) dollars per annum, which salary shall be paid in the same way and manner as now provided under the general laws of the State for the payment of salaries of county superintendents in the several counties.”

2. Amend section 4 of the bill as written so as to read as follows:

“Section 4. That said county superintendent of education shall be charged with the same duties and shall exercise the same powers as are now

provided by the general school laws of the State in the conduct of the office of county superintendent of education. No person shall be eligible for political party nomination or for election to the office of county superintendent of education of said county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that, if no person meeting these requirements qualifies for nomination and election as provided in this Act, the county board of education shall appoint a county superintendent of education as provided by the general law regulating the appointments of superintendents."

With the adoption of the suggested amendments the bill will meet my approval.

Respectfully submitted,
Wm. W. Brandon,
Governor.

On motion of Mr. Sessions, the House concurred in and adopted the amendment proposed by the Governor to the bill, H. 6, said amendment proposed by the Governor being set out in the above and foregoing message from the Governor.

Yeas, 68; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howard	Sanders (Pike)
Adams	Dickinson	Jeter	Sessions
Adcock	Dowdle	Jones	Smith (Clay)
Ashcraft (Lauderdl.)	Dunwoody	Kilborn	Smith (Lee)
Bealle	Embry	Lee	Sollie
Blackwell	Fanning	Letson	Stewart (Calhoun)
Bowen, Lewis	Ferrell	Long	Thompson (Jackson)
Bowen, L. K.	Forman	Love	Tiller
Burns	Glenn	Moxley	Tunstall
Burton	Glover	Norman	Varnier
Byars	Goodwyn	Parker	Verner
Calloway	Grove	Patterson	Walker
Cato	Hatter	Posey	Wall
Christian	Henley	Powell	Walton
Coleman	Henson	Ringer	Ware
Cook	Hodgson	St. John	Williams
Culver	Holcombe	Sanders (Conecuh)	Wyatt

—68

Which was a majority of the whole number elected to the House.

And the bill:

H. 6. To provide for the election of a county superintendent of education for Coffee county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

As amended by the amendment proposed by the Governor,
was read a third time at length and passed.

Yeas, 68; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howard	Sanders (Pike)
Adams	Dickinson	Jeter	Sessions
Adcock	Dowdle	Jones	Smith (Clay)
Ashcraft (Lauderdl.)	Dunwoody	Kilborn	Smith (Lee)
Bealle	Embry	Lee	Sollie
Blackwell	Fanning	Letson	Stewart (Calhoun)
Bowen, Lewis	Ferrell	Long	Thompson (Jackson)
Bowen, L. K.	Forman	Love	Tiller
Burns	Glenn	Moxley	Tunstall
Burton	Glover	Norman	Varner
Byars	Goodwyn	Parker	Verner
Calloway	Grove	Patterson	Walker
Cato	Hatter	Posey	Wall
Christian	Henley	Powell	Walton
Coleman	Henson	Ringer	Ware
Cook	Hodgson	St. John	Williams
Culver	Holcombe	Sanders (Conecuh)	Wyatt

—68

Which was a majority of the whole number elected to the House.

BILLS ON THIRD READING.

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Was read a third time at length and passed.

Yeas, 66; Nays, 1.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Guy	Kilborn
Adams	Elliott	Hall	Lee
Adcock	Embry	Hatter	McDaniel
Ashcraft (Lauderdl.)	Fanning	Henley	Melton
Bealle	Ferrell	Henson	Mooneyham
Blackwell	Forman	Hodgson	Moxley
Burns	Gaines	Hornsby	Nichols
Burton	Glenn	Howard	Norman
Calloway	Glover	Howze	Odom
Christian	Goode	Hubbard	Parker
Cook	Goodwyn	Jeter	Patterson
Dowdle	Grove	Jones	Ringer

Rountree	Smith (Clay)	Thompson (Jackson)	Wall
Rutherford	Smith (Lee)	Tiller	Walton
St. John	Stewart (Bibb)	Varner	Wyatt
Sanders (Pike)	Stewart (Calhoun)	Walker	Young
Sessions	Thompson (Etowah)		

—66

Nays:

Mr. Byars—1.

By Mr. Merrill:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Was taken up. Mr. Lewis Bowen offered the following amendment to the bill:

Amend Sec. 10 by adding thereto the following:

That the commission shall give favorable consideration to Alabama bidders, if all other things are equal.

And the amendment was adopted.

Yeas, 79; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Lee	Smith (Jefferson)
Adams	Forman	Letson	Smith (Lee)
Adcock	Glenn	Love	Snodgrass
Ashcraft (Lauderdl.)	Glover	Moxley	Sollie
Bealle	Goode	Nichols	Stewart (Bibb)
Blackwell	Goodwyn	Norman	Stewart (Calhoun)
Bowen, Lewis	Grove	Odom	Thompson (Etowah)
Bowen, L. K.	Hatter	Parker	Thompson (Jackson)
Burns	Henley	Patterson	Tiller
Burton	Henson	Posey	Tunstall
Byars	Hodgson	Powell	Varner
Calloway	Holcombe	Ringer	Verner
Cato	Hornsby	Rives	Walker
Coleman	Howard	Rountree	Wall
Cook	Howze	Rutherford	Walton
Deloney	Hubbard	St. John	Mrs. Wilkins
Dickinson	Jeter	Sanders (Conecuh)	Williams
Dunwoody	Jones	Sanders (Pike)	Wyatt
Embry	Kilborn	Sessions	Young
Fanning	Kilpatrick	Smith (Clay)	

—79

And the bill:

H. 307. To provide for the publication and distribution of the Code of Alabama.

As amended, was read a third time at length and passed.

Yeas, 79; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Blackwell	Byars	Deloney
Adams	Bowen, Lewis	Calloway	Dickinson
Adcock	Bowen, L. K.	Cato	Dowdle
Ashcraft (Lauderdl.)	Burns	Christian	Dunwoody
Bealle	Burton	Cook	Elliott

Embry	Hornsby	Patterson	Thompson (Etowah)
Fanning	Howard	Posey	Thompson (Jackson)
Ferrell	Howze	Powell	Tiller
Forman	Hubbard	Ringer	Tunstall
Gaines	Jeter	Rives	Verner
Glenn	Jones	Rountree	Verner
Glover	Kilborn	Rutherford	Walker
Goodwyn	Kilpatrick	St. John	Wall
Grove	Lee	Sanders (Pike)	Walton
Hampton	Letson	Sessions	Ware
Hatter	Melton	Smith (Clay)	Mrs. Wilkins
Henley	Nichols	Smith (Jefferson)	Williams
Henson	Norman	Smith (Lee)	Wyatt
Hodgson	Odom	Sollie	Young
Holcombe	Parker	Stewart (Calhoun)	

—79

S. 289 (with amendment). To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said committee amendment being as follows:

Amend Senate bill 289, by adding at the end of section 2 the following words: "Provided that this Act shall not have the effect of altering or changing the line between Lee county, Alabama, and Russell county, Alabama, as it now exists."

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Rutherford
Adams	Forman	Lee	Sanders (Conecuh)
Adcock	Gaines	Letson	Sanders (Pike)
Bealle	Glenn	Long	Smith (Clay)
Blackwell	Glover	Love	Smith (Lee)
Bowen, Lewis	Goode	Luck	Tiller
Boykin	Goodwyn	McDaniel	Tunstall
Burns	Grove	Melton	Tyson
Burton	Guy	Moorer	Verner
Cato	Hall	Moxley	Verner
Coleman	Hampton	Norman	Walker
Culver	Hatter	Odom	Wall
Deloney	Henson	Parker	Walton
Dowdle	Howze	Posey	Ware
Elliott	Jeter	Powell	Wyatt
Embry	Jones	Ringer	Young
Fanning			

—65

And the bill:

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate

limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Hodgson	Pickens	Sollie
Boykin	Holcombe	Poole	Stewart (Bibb)
Burns	Hornsby	Posey	Stewart (Calhoun)
Christian	Howard	Powell	Thompson (Etowah)
Coleman	Howze	Ringer	Thompson (Jackson)
Cook	Hubbard	Rives	Tyson
Culver	Jeter	Rountree	Varner
Deloney	Jones	Rutherford	Verner
Fanning	Kilpatrick	St. John	Walker
Ferrell	Lee	Sanders (Conecuh)	Wall
Grove	Moxley	Sanders (Pike)	Walton
Guy	Nichols	Sessions	Ware
Hall	Norman	Smith (Clay)	Mrs. Wilkins
Hampton	Odom	Smith (Jefferson)	Williams
Hatter	Parker	Smith (Lee)	Wyatt
Henley	Patterson	Snodgrass	Young
Henson			

—65

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Lee	Rutherford
Blackwell	Goode	Letson	Stewart (Bibb)
Bowen, Lewis	Goodwyn	Long	Stewart (Calhoun)
Bowen, L. K.	Grove	Love	Thompson (Etowah)
Calloway	Guy	Luck	Thompson (Jackson)
Cato	Hall	McDaniel	Tunstall
Christian	Hampton	McGowen	Varner
Coleman	Hatter	Melton	Verner
Deloney	Hornsby	Mooneyham	Walker
Dickinson	Howard	Moorer	Wall
Dowdle	Howze	Moxley	Walton
Dunwoody	Hubbard	Nichols	Ware
Elliott	Jeter	Norman	Mrs. Wilkins
Embry	Jones	Parker	Williams
Ferrell	Kilborn	Patterson	Wyatt
Gaines	Kilpatrick	Rountree	Young
Glenn			

—65

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered

or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Goode	Jones
Adams	Cook	Goodwyn	Kilborn
Adcock	Culver	Grove	Moorer
Allen	Deloney	Guy	Moxley
Arrington	Dickinson	Hall	Nichols
Ashcraft (Lauderdl.)	Dowdle	Hampton	Posey
Bealle	Dunwoody	Hatter	Powell
Blackwell	Elliott	Henley	Ringer
Bowen, Lewis	Embry	Henson	Rives
Bowen, L. K.	Fanning	Hodgson	Rountree
Boykin	Ferrell	Holcombe	Rutherford
Burns	Fite	Hornsby	St. John
Burton	Forman	Howard	Sanders (Concuh)
Byars	Gaines	Howze	Sanders (Pike)
Calloway	Glenn	Hubbard	Thompson (Etowah)
Cato	Glover	Jeter	Thompson (Jackson)
Christian			—65

H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	Letson	Smith (Jefferson)
Adams	Goode	Love	Smith (Lee)
Adcock	Goodwyn	McDaniel	Sollie
Bealle	Grove	Melton	Stewart (Bibb)
Blackwell	Hall	Moorer	Stewart (Calhoun)
Bowen, Lewis	Hatter	Nichols	Thompson (Etowah)
Bowen, L. K.	Henley	Norman	Thompson (Jackson)
Boykin	Henson	Parker	Tiller
Burns	Holcombe	Patterson	Tunstall
Calloway	Howard	Posey	Verner
Culver	Howze	Powell	Walker
Dowdle	Hubbard	Ringer	Wall
Dunwoody	Jeter	Rives	Walton
Elliott	Jones	Rountree	Mrs. Wilkins
Embry	Kilborn	St. John	Williams
Forman	Lee	Smith (Clay)	Wyatt
Glenn			—65

On motion of Mr. Kilborn, the bill, H. 525, was sent to the Senate without engrossment.

H. 502. For the relief of W. H. Long, ex-sheriff of Washington county, Alabama, authorizing the payment to him of fees out of the fine and forfeiture fund of Washington county, Alabama, that have been barred by reason that the claims were not filed within twelve months.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Hubbard	Smith (Clay)
Adcock	Glenn	Jeter	Smith (Jefferson)
Ashcraft (Lauderdl.)	Glover	Jones	Smith (Lee)
Boykin	Goode	Kilborn	Sollie
Burns	Goodwyn	Lee	Tiller
Burton	Grove	Letson	Tunstall
Calloway	Guy	Love	Varner
Cato	Hall	Parker	Verner
Cook	Hampton	Patterson	Walker
Culver	Hatter	Posey	Wall
Deloney	Henley	Powell	Walton
Elliott	Henson	Ringer	Ware
Embry	Hodgson	Rives	Mrs. Wilkins
Fanning	Holcombe	St. John	Williams
Ferrell	Hornsby	Sanders (Conecuh)	Wyatt
Fite	Howze	Sanders (Pike)	Young
Forman			

—65

S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howard	Odom
Adams	Fanning	Howze	Parker
Adcock	Ferrell	Hubbard	Patterson
Bealle	Forman	Jeter	Posey
Blackwell	Gaines	Jones	Powell
Bowen, Lewis	Glenn	Kilborn	Rives
Bowen, L. K.	Glover	Kilpatrick	Sanders (Pike)
Burns	Goode	Lee	Smith (Clay)
Byars	Goodwyn	Letson	Smith (Jefferson)
Calloway	Grove	Long	Smith (Lee)
Cato	Hampton	Love	Snodgrass
Cook	Hatter	McDaniel	Sollie
Culver	Henley	Melton	Stewart (Bibb)
Deloney	Henson	Moorer	Stewart (Calhoun)
Dowdle	Hodgson	Moxley	Thompson (Etowah)
Dunwoody	Holcombe	Norman	Thompson (Jackson)
Elliott			

—65

H. 350. To amend Sec. 1 of an Act approved Feb. 18, 1891, entitled "An Act to amend an Act approved Feb. 17, 1885, entitled an Act to amend sections 1 and 2 of an Act to define the corporate limits of the city of Wetumpka, approved Feb. 23, 1883."

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	McDaniel	St. John
Adams	Gaines	McGowen	Sanders (Conecuh)
Adcock	Glenn	Melton	Sanders (Pike)
Ashcraft (Lauderdl.)	Glover	Mooneyham	Sollie
Burton	Goode	Moorer	Tiller
Byars	Goodwyn	Moxley	Tunstall
Calloway	Grove	Nichols	Varnier
Cook	Guy	Norman	Verner
Culver	Hall	Odom	Walker
Deloney	Hampton	Parker	Wall
Dickinson	Hatter	Patterson	Walton
Dowdle	Hornsby	Posey	Ware
Dunwoody	Kilpatrick	Powell	Mrs. Wilkins
Elliott	Lee	Ringer	Williams
Embry	Letson	Rives	Wyatt
Fanning	Love	Rountree	Young
Ferrell			

—65

H. 499. To provide for the town of Boaz and school district known as the Boaz School District, to manage and control the affairs of its public schools in said district school district. To provide for the election of a board of education by the town council of the town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Culver	Glover	Howard
Adams	Deloney	Goode	Howze
Adcock	Dickinson	Goodwyn	Jeter
Ashcraft (Lauderdl.)	Dunwoody	Grove	Jones
Bealle	Elliott	Guy	Kilborn
Bowen, Lewis	Embry	Hall	Letson
Bowen, L. K.	Fanning	Hampton	Long
Boykin	Ferrell	Hatter	Love
Burton	Forman	Hodgson	McDaniel
Cato	Gaines	Holcombe	McGowen
Coleman	Glenn	Hornsby	Melton

Mooneyham	Parker	Rutherford	Ware
Moorer	Patterson	Verner	Mrs. Wilkins
Moxley	Ringer	Walker	Williams
Nichols	Rives	Wall	Wyatt
Norman	Rountree	Walton	Young
Odum			

—65

H. 328. To amend section 1 of article 5 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assist-

ance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trade and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of

Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Was taken up. Mr. Long offered the following amendment to the bill:

Amend the bill by adding at the end thereof the following:

Provided, that this act shall not apply to any county in this State of less than three hundred thousand population according to the last Federal census.

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Fayette)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Burton

Byars

Cato

Cook

Culver

Deloney

Fanning

Ferrell

Goodwyn

Grove

Guy

Hall

Hatter

Henley

Henson

Hodgson

Howze

Jeter

Jones

Kilborn

Kilpatrick

Lee

Letson

Long

Love

Luck

McDaniel

Nichols

Norman

Odom

Parker

Patterson

Posey	Sanders (Concuh)	Snodgrass	Tunstall
Powell	Sanders (Pike)	Stewart (Bibb)	Varner
Ringer	Smith (Clay)	Stewart (Calhoun)	Verner
Rives	Smith (Jefferson)	Thompson (Etowah)	Wyatt
Rountree	Smith (Lee)	Thompson (Jackson)	Young
St. John			

—65

And the bill:

H. 328. To amend section 1 of article 5 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assist-

ance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trade and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of

Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Lee	Smith (Clay)
Adams	Embry	Letson	Smith (Jefferson)
Adcock	Forman	Love	Smith (Lee)
Ashcraft (Lauderd ¹)	Gaines	Luck	Sollie
Bealle	Glenn	McDaniel	Stewart (Bibb)
Blackwell	Glover	Melton	Stewart (Calhoun)
Bowen, Lewis	Goode	Mooneyham	Thompson (Etowah)
Bowen, L. K.	Goodwyn	Nichols	Thompson (Jackson)
Byars	Grove	Norman	Tiller
Calloway	Guy	Odom	Tunstall
Cato	Hall	Parker	Varner
Christian	Hampton	Patterson	Verner
Culver	Hatter	Posey	Walker
Deloney	Howze	St. John	Walton
Dickinson	Jeter	Sanders (Conecuh)	Ware
Dowdle	Kilpatrick	Sanders (Pike)	Williams
Dunwoody			

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to the bill: S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Teasley:

S. 302. To provide how fraternal societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Banking and Insurance, S. 302.

ADJOURNMENT.

The hour of 12 o'clock M. having arrived, under a joint resolution heretofore adopted, the House adjourned until Tuesday, Aug. 7th at 2 o'clock P. M.

TWENTY-NINTH DAY.

House of Representatives,
Thursday, August 7th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. E. McCann of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Fanning	Kilborn	Rountree
Adams	Ferrell	Kilpatrick	Rutherford
Adcock	Fite	Lee	St. John
Allen	Forman	LeMaistre	Sanders (Conecuh)
Arrington	Gaines	Letson	Smith (Clay)
Ashcraft (Lauderd ¹)	Glenn	Long	Smith (Jefferson)
Bealle	Glover	Love	Smith (Lee)
Blackwell	Goode	Luck	Snodgrass
Bowen, Lewis	Goodwyn	McDaniel	Sollie
Bowen, L. K.	Graves	McGowen	Stewart (Bibb)
Boykin	Grove	Melton	Stewart (Calhoun)
Burns	Guy	Mooneyham	Thompson (Etowah)
Burton	Hall	Moorer	Thompson (Jackson)
Byars	Hampton	Moxley	Tiller
Calloway	Hatter	Nichols	Tunstall
Cato	Hawkins	Norman	Tyson
Christian	Henley	Odom	Varner
Coleman	Henson	Parker	Walker
Cook	Hodgson	Patterson	Wall
Culver	Holcombe	Pickens	Walton
Deloney	Hornsby	Poole	Ware
Dickinson	Howard	Posey	Mrs. Wilkins
Dowdle	Howze	Powell	Williams
Dunwoody	Hubbard	Ringer	Wyatt
Elliott	Jeter	Rives	Young
Embry	Jones		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Eighth Legislative Day and finds same correct.

O. W. Melton;
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Twenty-Eighth Legislative Day was approved.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Sessions and Verner.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Standing Committee on Rules, returned to the House the following resolutions with a favorable report:

By Mr. Jeter:

H. R. 94. Resolved that House Bill No. 268 be made a special and continuing order for Tuesday, August 7th, immediately after reports of standing committees.

And the resolution was adopted.

Also:

By Mr. Long:

H. R. 95. Be it resolved by the House that Senate Bill No. 193 be made a special order for Tuesday, August 7th, immediately after the reports of Standing Committees. Said bill being the Editors' Mileage Bill.

And the resolution was adopted.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Also:

H. 328. To amend Section 1 of Article 5 and Section 25 of Article 8 and Section 19 of Article 9 of an act entitled "An Act to provide a complete educational system of the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitu-

tion of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for Boards of School Trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from County Boards of Revenue; Boards of Education; School Districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their

powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trades and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method

of committing boys thereto and for the use of appropriations for such school; to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Also:

H. 350. To amend Sec. 1 of an act approved Feb. 18, 1891, entitled "An act to amend an act approved Feb. 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the City of Wetumpka, approved Feb. 23, 1883."

Also:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of same.

Also:

H. 499. To provide for the town of Boaz and school district known as the Boaz School District, to manage and control the affairs its public schools in said district school district. To provide for the election of a board of education by the town council of the town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

Also:

H. 502. For the relief of W. H. Long, ex-sheriff of Washington county, Alabama, authorizing the payment to him of fees out of the fine and forfeiture fund of Washington county, Alabama, that have been barred by reason that the claims were not filed within twelve months.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following bills and resolutions, your signature thereto is requested:

S. J. R. 110. Relative to the Legislature of Alabama endorsing the candidacy of the City of Atlanta for the place of holding the next Democratic National Convention and recommending the same to the National Committee.

Also:

S. J. R. 107. Relative to the Legislature of Alabama adjourning at the hour of 12 M. August 3, 1923, as a mark of respect in memory of our deceased President.

Also:

S. J. R. 108. Relative to the Legislature of Alabama sending resolutions of condolence by telegram to Mrs. Warren G. Harding, the grief stricken widow. Hon. George B. Christian, Hon. Chas. E. Hughes.

Also:

S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Also:

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Also:

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Also:

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS AND RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds

vote of a quorum present, signed the bills and Senate joint resolutions, the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills and House Joint Resolutions with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

Also:

H. J. R. 89. Relative to fixing the hours of the clerks in the various legislative departments.

Also:

H. J. R. 92. Relative to raising funds to erect a stadium as a memorial to the alumni of the University of Alabama and the Alabama Polytechnic Institute who sacrificed their lives in the world war.

Also:

H. 475. To arrange the boundary between Elmore and Montgomery counties.

Also:

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker county, Alabama, and to repeal all laws and parts of laws in conflict herewith.

Also:

H. J. R. 93. Relative to appointing a Committee to visit the State of Georgia while its Legislature is in session to present to the Democrats of Georgia the claims of Hon. Oscar W. Underwood for the Presidency of the United States.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House Joint Resolutions, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RESOLUTIONS.

The following resolutions were introduced :

By Mr. Powell :

H. R. 96. Whereas the surface of lands is being stripped for the purpose of removing coal, iron ore and other minerals in different parts of the State, and the process of stripping the dirt in order to remove the coal, iron ore and other minerals destroys the land for agricultural purposes, and it is deemed to the best interest of the State that wherever the dirt over such coal, iron ore and other minerals is stripped for the purpose of removing the coal, iron ore and other minerals that the surface be put back in condition so that it may be cultivated and used for agricultural purposes, and

Whereas under the laws of other States such requirements are made of persons engaged in stripping operations.

Be it resolved that the Judiciary Committee of the House of Representatives is requested to prepare and submit for consideration and adoption a bill requiring persons engaged in such stripping operations to place the soil back in condition for cultivation and use for other agricultural purposes after the coal, iron ore and other minerals are removed, and providing machinery for enforcement of such requirement and penalties for the violation thereof.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Powell :

H. R. 97. Whereas it is the sense of this body that better administration of the laws of the land be obtained if all of the County officers of the State are upon salaries, and

Whereas a number of the Counties of the State are desirous that all the County officers of such Counties be placed upon salaries, and that said officers receive no fees for services performed by them, but the fees that are now or hereafter may be provided by the law should go into the general fund of the respective Counties.

Be it resolved by the House of Representatives that the Judiciary Committee of the House is hereby requested to prepare and submit to this session of the Legislature at as early date as possible a resolution submitting to the voters of the State at the next general election an amendment to the Constitution of the State of Alabama, providing for a vote by the people of the several Counties as to whether the officers of the respective Counties so voting shall be placed upon salaries, and providing also the machinery for calling such election and authorizing the fixing of the salaries of the officers of such Counties and the sal-

aries of such help as may be necessary in the conduct of their offices.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Holcombe:

H. R. 98. Be it resolved by the House that House Bill No. 142 be made a special order for the 30th Legislative Day.

And the resolution was adopted.

By Rules Committee:

H. R. 99. Resolved that H. B. No. 472, The Labor Agent Bill, be made a special paramount order immediately after report of standing committees for the next Legislative Day.

And the resolution was adopted.

By Mr. Adams:

H. R. 100. Resolved that House Bill No. 486 be made a special continuing and paramount order for 32d Legislative Day immediately after report of standing committees.

And the resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. J. W. LeMaistre:

H. 612. To provide for the protection of persons who use shotguns in the pursuit of game and for sport; to provide that all shotgun shells loaded with powder and shot sold in the State of Alabama shall be so marked as to indicate the character, quality and quantity of the load, and to provide penalties for the violation of the Act.

Game, Fish and Forestry Preservation.

By Mrs. Wilkins (By request):

H. 613. In reference to the Alabama School of Trades and Industry; to give the trustees of said school authority to select the location for said school; to extend the terms of the trustees of said school and to provide for its future management and control.

Education.

By Mr. Smith of Jefferson:

H. 614. To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Judiciary.

By Mr. Fite:

H. 615. To provide for the appointment of a Deputy Register of the Chancery Division of the Circuit Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to fix the compensation of said Deputy Register.

Judiciary.

By Mr. Fite:

H. 616. To fix the compensation of the Clerk of the Probate Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal Census.

Judiciary.

By Mr. Odom:

H. 617. To protect land owners against the burdens of increased assessments or tax raises on lands being drained in Alabama.

Agriculture.

By Mr. Grove:

H. 618. To amend an Act entitled "An Act to regulate, prohibit and provide punishment for the publication of untrue and misleading advertisements, and requiring that all newspapers and other periodical advertisements be clearly marked 'advertisement,'" approved September 1st, 1915.

Public Printing.

By Mr. Kilborn:

H. 619. To authorize the expenditure by the authorities lawfully authorized to receive and expend same, of the proceeds of bonds issued or to be issued by a municipal corporation for the purchase of real estate necessary for the site of a public high school, and buildings to be used in connection therewith, and to erect thereon said public high school and buildings to be used in connection therewith, and to equip and furnish the same at any place within the corporate limits of said municipality at the time of such expenditure, though not in the city limits at the time of the election authorizing such bond issue, and though the ballot provided or provides for the expenditure of the proceeds of such bond issue in the limits of said municipal corporation.

Revision of Laws.

By Mr. Patterson (with notice and proof):

H. 620. To vacate the charter of the City of Albany, Alabama.

Municipal Organization.

Notice and proof H. 620:

Notice is hereby given that the undersigned will introduce the following five bills at the present session of the Legislature of the State of Alabama.

A bill to be entitled an Act to vacate the charter of the City of Albany, Alabama.

Be it enacted by the Legislature of the State of Alabama that the charter of the City of Albany, Alabama, be, and it is hereby vacated and annulled, and said City is abolished as a municipal corporation.

This Act is to take effect upon the passage and approval of an Act to alter, extend, or rearrange the boundaries of the City of Decatur, Alabama.

State of Alabama, }
Morgan County. }

Before me, Robert T. Sheppard, a Notary Public, in and for said State and County, this day personally appeared W. R. Shelton, who is known to me, and who being by me first duly sworn deposes and says: that he is Editor and Manager of the Albany-Decatur Daily, a daily newspaper published at Albany, Morgan County, Alabama, and that the notice, a copy of which is hereto attached, providing "A Bill to be entitled an Act to vacate the charter of the City of Albany, Alabama," was published once a week for four consecutive weeks in said newspaper, commencing on the 14th day of July 1923, without cost to the State of Alabama.

Sworn to and subscribed before me, this the 6th day of August, 1923.
(Seal)

Robert T. Sheppard,
Notary Public, Morgan County, Alabama.

By Mr. Patterson (with notice and proof) :

H. 621. To alter or rearrange the boundaries of the City of Decatur, Alabama.

Municipal Organization.

Notice and proof H. 621:

A bill to be entitled an Act to alter or rearrange the boundaries of the City of Decatur, Alabama.

Be it enacted by the Legislature of Alabama, that the boundaries of the City of Decatur, Alabama be altered, extended or rearranged so as to include the territorial area heretofore and immediately prior to the vacation of its charter, or now comprising the City of Albany, Alabama, that is that the corporate limits of the City of Decatur shall include all of that territory between the present corporate limits of the City of Decatur and the following boundary lines:

Beginning at a point on the southerly boundary line of the City of Decatur, which is the Northwest corner of the corporate line of the City of Albany, Alabama, as heretofore confirmed by the Legislature of the State of Alabama, as the Northwest corner of the corporate line of the City of New Decatur, and which is further identified as at the intersection of the center line of Patterson Street with the center line of 9th Avenue West (as established by the City Council of New Decatur, Alabama); thence south along the center line of said 9th Avenue West to the south boundary line of 3rd Street South in the present city of Albany, Alabama, thence in a southerly and southwesterly direction along the east boundary line of the Danville Road to a point which is the southwest corner of the corporate line of the present city of Albany, Alabama; thence in an easterly direction along the south boundary line of Section twenty-five (25), township five (5), range 5 west to the southeast corner of said section 25; thence in an easterly direction along the south boundary line of Section 30 township 5 south, range 4 west, for a distance of 2662.08 feet to the southeast corner of the southwest fourth of said section 30; thence in a northerly direction

along the east boundary line of the said southwest fourth of said section 30 for a distance of 999.08 feet; thence in an easterly direction for a distance of 2663.15 feet to the west boundary line of section 29, township 5 south, range 4 west; thence in a southerly direction along the west boundary line of said section 29 for a distance of 999.54 feet to the southwest corner of said section 29; thence in an easterly direction along the south boundary line of said section 29 for a distance of 1319.96 feet; thence in a northerly direction for a distance of 1343.18 feet; thence in an easterly direction for a distance of 1351.91 feet; thence in a northerly direction for a distance of one-fourth of a mile to the northeast corner of the southwest fourth of said section 29; thence in an easterly direction along the south boundary line of the northeast fourth of said section 29 for a distance of 2669.7 feet to the east boundary line of said section 29; thence in a northerly direction along the east boundary line of said section 29 for a distance of 2659.3 feet to the northeast corner of said section 29; thence north 86 degrees 13 minutes 45 seconds east along the south boundary line of Section 21, township 5 south, range 4 west, for a distance of 1532.33 feet; thence north 4 degrees 8 minutes, 50 seconds west 1431.76 feet; thence north 85 degrees 4 minutes 10 seconds east 887.06 feet; thence north 3 degrees 0 minutes 20 seconds west 2395 feet to a huckleberry tree; thence north 31 degrees 41 minutes 10 seconds east 329.89 feet to a stake on the south bank of the Tennessee River; thence in a northwesterly direction down the Tennessee River, as it meanders 7510 feet to the last boundary line of the present City of Decatur, Alabama.

The above described territory being situated partly in section 25, township 5 south, range 5 west, and partly in Sections 16, 17, 18, 19, 20, 21, 29, and 30, township 5 south, range 4 west all in Morgan County, State of Alabama.

State of Alabama, }
Morgan County. }

Before me, Robert T. Sheppard, a Notary Public, in and for said State and County, this day personally appeared W. R. Shelton, who is known to me, and who being by me first duly sworn deposes and says: that he is Editor and Manager of the Albany-Decatur Daily, a daily newspaper published at Albany, Morgan County, Alabama, and that the notice, a copy of which is hereto attached, providing "A Bill to be entitled an Act to alter or rearrange the boundaries of the City of Decatur, Alabama," was published once a week for four consecutive weeks in said newspaper, commencing on the 14th day of July 1923, without cost to the State of Alabama.

W. R. Shelton.

Sworn to and subscribed before me, this the 6th day of August, 1923.
(Seal)

Robert T. Sheppard,
Notary Public, Morgan County, Alabama.

By Mr. Patterson (with notice and proof) :

H. 622. To create a board of education for the enlarged territory of the City of Decatur, Alabama.

Municipal Organization.

Notice and proof H. 622 :

A bill to be entitled an Act to create a board of education for the enlarged territory of the City of Decatur, Alabama.

Be it enacted by the Legislature of the State of Alabama :

First: That all property, real, personal or mixed, of every kind whatsoever heretofore held, owned or enjoyed by the board of education of the

City of Decatur, and the board of education of the City of Albany, Alabama, be and the same is hereby transferred to, and the title thereto vested in a board of education hereby created for the enlarged territory of the City of Decatur, Alabama, to be held by it in trust for the use of the public schools of the City of Decatur, Alabama, that is to say: Said board hereby created shall consist of five members, viz: H. B. Beard, John Patterson, A. A. Hardage, D. D. McGehee and F. S. Hunt.

Second: The board of education of the City of Decatur, Alabama, as it now exists and the board of education of the City of Albany, Alabama, shall stand dissolved upon the passage and approval of this Act, and each of said boards and the officers thereof shall deliver all of its property, muniments of title to real estate and records of any kind whatsoever, to the board of education as herein created.

Third: Annually, at the regular meetings of the City Council or board of commissioners, or other governing body of the City, in April, the said council or commission, or other governing body shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. It is contemplated that the terms of office of each member of the board of education shall be five years and that a term of one member shall expire annually and to that end, D. D. McGehee's term shall expire the first Tuesday in April, 1929, John Patterson's term shall expire the first Tuesday in April, 1928; F. S. Hunt's term shall expire the first Tuesday in April, 1927; H. B. Beard's term shall expire the first Tuesday in April, 1926, and A. A. Hardage's term shall expire the first Tuesday in April, 1925. At the first regular meeting of the board of commissioners, or other governing body of the City, in April, 1925, a member of the board of education shall be elected to succeed the member whose term expires that year, and annually thereafter at said first regular meeting the board of commissioners or other governing body of the City shall elect a member to succeed the member whose term expires that year. In the event of a vacancy in the membership of the city board of education the said board of commissioners, or city council, or other governing body of the City shall elect a person to fill such term. The said board of education shall elect one of its members as president of the board and one member as vice-president of the board, who shall serve such board until the first meeting in May, 1924, and at such meeting and annually thereafter, shall elect a president and vice-president to serve such board for the year.

Fourth: The said City board of education shall have and exercise all the powers and authority and perform the same duties and suffer the same pains and penalties as City boards of education under an Act of the Legislature of the State of Alabama, to provide a complete educational system for the State of Alabama, approved September 26, 1919, and shall in all things be governed by that Act and the General Laws of this State.

Fifth: This Act is conditioned upon the passage, approval and constitutionality of an Act to alter, extend or rearrange the boundaries of the City of Decatur, Alabama, and shall have no effect unless that Act becomes a law.

State of Alabama, }
Morgan County. }

Before me, Robert T. Sheppard, a Notary Public, in and for said State and County, this day personally appeared W. R. Shelton, who is known to me, and who being by me first duly sworn deposes and says: that he is Editor and Manager of the Albany-Decatur Daily, a daily newspaper published at Albany, Morgan County, Alabama, and that the notice, a copy of which is hereto attached, providing "A Bill to be entitled an Act to create a Board of Education for the enlarged territory of the City

of Decatur, Alabama," was published once a week for four consecutive weeks in said newspaper, commencing on the 14th day of July 1923, without cost to the State of Alabama.

W. R. Shelton.

Sworn to and subscribed before me, this the 6th day of August, 1923.
(Seal)

Robert T. Sheppard,

Notary Public, Morgan County, Alabama.

By Mr. Patterson (with notice and proof) :

H. 623. To provide a form of government for the City of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

Municipal Organization.

Notice and proof H. 623 :

A bill to be entitled an Act to provide a form of government for the City of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

Be it enacted by the Legislature of Alabama, that:

First: That a board of commissioners, composed of the present mayor of the City of Decatur, and the last mayor and the last president of the city council of the City of Albany, Alabama, next preceding the passage of this bill, shall constitute a board of commissioners to exercise all of the powers and authority vested by law in the city of Decatur, Alabama, and to that end the present mayor of the City of Decatur, Alabama shall be the president of such board of commissioners, and shall have and exercise the authority and discharge the duties heretofore conferred and imposed by law upon the mayor of the City of Decatur, Alabama (not inconsistent with this Act) and such other authority as may be vested in him by the board of commissioners.

The board of commissioners, consisting of three members herein named, shall exercise all of the functions, powers, and authority heretofore exercised by the mayor and council, as the legislative and governing body of the City; and the offices of mayor and alderman of the City of Decatur, during the existence of such board of commissioners, and all committees and boards to which it has delegated any power, shall, upon the taking of the oath of office by a majority of the members of said board of commissioners, stand abolished.

Second: Immediately upon the approval of this Act, each member of such board of commissioners shall subscribe to the following oath, which shall be filed as a part of the records of the City, viz:

"I do solemnly swear that I will faithfully, impartially, and to the best of my ability, discharge the duties of the office of commissioner of the City of Decatur, Alabama, so help me God."

Which oath may be administered by any officer authorized by law to administer oaths, or may be administered by any one of such commissioners to the other. The board of commissioners shall then organize and shall fix the time and place for weekly meetings, which shall at all times be open to the public. It shall have power to hold any number of adjourned or called meetings, at which any business coming before it may be transacted. At the time of the first meeting of the board of commissioners, the board

shall elect a president pro tem, who shall, in the absence of the President of the board of commissioners, preside over its meetings, and discharge the other duties hereby imposed and conferred upon the President of such board. On the day of the first meeting of said board of commissioners all offices of the City of Decatur, whether filled by election of the Council or by appointment of the Mayor or any committee shall be and stand vacated and at said meeting the said board shall elect a new set of officers such as is provided by law for a City with a population of 6000 or more, and such other officers as in its judgment the proper needs of the City may require.

Third: At any meeting two members of such board of commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of any two members of such shall carry any question before it. Upon the enactment of any ordinance, or the passage of any resolution, and in voting to enter into any contract or the granting of any franchise to any public utility, the board of commissioners shall take an aye and nay vote, which shall be recorded by the City Clerk and be a part of the records of the City of Decatur. The Clerk of the City of Decatur shall attend the meetings of such board of commissioners and make a faithful record of the business transacted by it and shall be the custodian of such records. The minutes and proceedings of any meeting shall be signed by at least two members of the board of commissioners.

Fourth: The President of the board of commissioners shall preside over its deliberations and shall vote with the other members of the board of commissioners, but the right to veto any act of the board of commissioners is hereby denied him. All laws and ordinances of a permanent nature passed by said board of commissioners shall, before taking effect, be published as now provided by law.

Fifth: If any member of such board of commissioners shall fail to qualify within five days from the approval of this Act, or should at any time die, resign, remove from the city, or refuse to act as a member of the board of commissioners, or otherwise vacate his office, then the other members of the board of commissioners may declare the office vacant, and the vacancy shall be filled by the remaining two members of the board. In the event that they cannot agree, then, upon certificate of that fact from either of the commissioners, lodged with the Governor of the State of Alabama, he shall fill the vacancy by appointment. If for any reason the board of commissioners should be reduced below two at any one time, the Governor shall then fill the vacancies up to two and the two commissioners shall then elect the third. No person shall be eligible to fill any vacancy on said board of commissioners unless he be a bona fide resident citizen of the United States of America, the State of Alabama, and the City of Decatur, and over the age of twenty-one years.

Sixth: Any member of the board of commissioners may be impeached or removed from office for the same causes and in the same manner as provided by law for the impeachment or removal of mayors.

Seventh: The president of the board of commissioners shall receive a salary of Fifteen Hundred Dollars per annum, and the other members of the board of commissioners shall receive a salary of Fifteen Hundred Dollars per annum, all payable in equal monthly installments out of the city treasury, upon the order of the board of commissioners. The board of commissioners shall have the same right to elect and remove officers and to fix their salaries or compensation, as is now vested by law in the Mayor, and City Council. All salaries of city officials and all other obligations of the city shall be paid by the city treasurer upon the order of the board of commissioners, and by warrant signed by the President of the board of commissioners, and attested by the City Clerk.

Eighth: Unless, in the meantime, the voters of the City of Decatur shall favorably vote at an election held for that purpose, to operate under a regular commission form of government, as provided by general law for cities of under twenty-five thousand inhabitants, there shall be a regular city election held on the third Monday in September, 1926, whereat, there shall be elected the regular officers as now provided by law for cities having a population of six thousand or more. Said officers shall assume the duties of their respective offices on the first Monday in October, thereafter, and the government of the said City of Decatur shall then and thereafter be administered in all things as now provided by law for cities having a population of six thousand or more, and the board of commissioners herein appointed shall stand abolished. There shall be no election of officers in said City on the third Monday in September, 1924, but the commissioners herein appointed shall hold office until the first Monday in October, 1926, or until a sufficient number of officers to govern said city are elected and qualified.

Candidates for office at said general election shall qualify before the board of commissioners in the same manner now provided by law for such candidates and after such election, the board of commissioners shall canvass and declare the result of said election within the time and in the manner enjoined by law upon the City Council.

Ninth: No commissioner shall directly or indirectly receive from the city any compensation, emolument, or thing of value for any services rendered, or to be rendered by him, other than the regular compensation to be paid to him as fixed by the terms of this act.

Tenth: To the end that the said City of Decatur may, upon the dissolution of the board of commissioners herein created, assume the aldermanic form of government, the said City of Decatur, as it exists with its rearranged boundaries, is divided into five wards, numbered one, two, three, four, and five, which are respectively described and bounded as follows:

WARD NUMBER ONE

Beginning at a point the intersection of the center line of 5th Street South with the intersection of the center line of 8th Avenue East; thence in a northerly direction along the center line of said 8th Avenue East to its intersection with the center line of the Moulton Road; thence in a westerly direction along the center line of the said Moulton Road to its intersection with the center line of 9th Avenue West; thence in a southerly direction with the center line of said 9th Avenue west to the south boundary line of 3rd Street South; thence in a southerly and southwesterly direction along the east boundary line of the Danville Road to the south boundary line of section 25, township 5 south, range 5 West; thence in an easterly direction with the south boundary line of section 25, township 5 south, range 5 west and section 30, township 5 south, range 4 west, to the southeast corner of the southwest fourth of said section 30; thence in a northerly direction with the east boundary line of the southwest fourth of section 30, township 5 south, range 4 west for a distance of 999.08 feet; thence in an easterly direction along the north boundary line of what is known as the Austinville Road to the center line of the L. & N. Railroad right-of-way; thence in a northwesterly direction with the center line of the said L. & N. Railroad right-of-way to its intersection with the center line of 5th Street South if extended westwardly; thence in an easterly direction with the center line of said 5th Street South if extended westwardly to the center line of said 5th Street South; thence in an easterly direction with the center line of said 5th Street South to its intersection with the center line of 8th Avenue East, which is the point of beginning.

WARD NUMBER TWO

Beginning at a point which is the intersection of the center line of the Somerville Road with the center line of 5th Street South; thence in a westerly direction with the center line of 5th Street South and 5th Street South if extended westwardly to the intersection of the center line of said 5th Street South, if extended westwardly, with the center line of the L. & N. Railroad right-of-way; thence in a southeasterly direction with the center line of the said L. & N. Railroad right-of-way to the north boundary line of what is known as the Austinville Road; thence in an easterly direction for a distance of 422.92 feet to the west boundary line of section 29, township 5 south, range 4 west; thence in a southerly direction with the west boundary line of said section 29, for a distance of 999.54 feet to the south boundary line of said section 29; thence in an easterly direction along the south boundary line of said section 29 for a distance of 1319.96 feet; thence in a northerly direction for a distance of 1343.18 feet; thence in an easterly direction 1351.91 feet; thence in a northerly direction for a distance of one-fourth of a mile to the northeast corner of the southwest fourth of said section 29; thence in an easterly direction along the south boundary line of the northeast fourth of said section 29 for a distance of 2669.7 feet to the west boundary line of said section 29; thence in a northerly direction along the east boundary line of said section 29 to the northeast corner of the said section 29; thence north 86 degrees 13 minutes 45 seconds east along the south boundary line of section 21, township 5 south, range 4 west for a distance of 1532.33 feet; thence north 4 degrees 8 minutes 50 seconds west to a point which is the center line of 7th Street South, if extended eastwardly; thence in a westerly direction with the center line of 7th Street South, if extended eastwardly, and with the center line of 7th Street South to its intersection with the center line of Somerville Road; thence in a northerly direction with the center line of said Somerville Road to its intersection with the center line of 5th Street South, which is the point of beginning.

WARD NUMBER THREE

Beginning at a point the intersection of the center line of 8th Avenue East, if extended northwardly, with the intersection of the center line of what is known as Skillington Street; thence in a southerly direction with the center line of 8th Avenue East to its intersection with the center line of 5th Street South; thence in an easterly direction with the center line of said 5th Street South to its intersection with the center line of the Somerville Road; thence in a southerly direction with the center line of the Somerville Road to its intersection with the center line of 7th Street South; thence in an easterly direction with the center line of 7th Street South and the center line of 7th Street South, if extended eastwardly, to the west boundary line of what is known as the Wilder lands; thence north 4 degrees 8 minutes 50 seconds west 727 feet; thence north 85 degrees 4 minutes 10 seconds east 887.06 feet; thence north 3 degrees 0 minutes 20 seconds west 2395 feet to a Huckleberry tree; thence north 31 degrees 41 minutes 10 seconds east 329.89 feet to a stake on the south bank of the Tennessee River; thence in a northwesterly direction down the Tennessee River as it meanders to the center line of what is known as Skillington Street if extended to the Tennessee River; thence in a southwesterly direction along the center line of what is known as Skillington Street if extended to the Tennessee River and along what is known as Skillington Street to its intersection with the center line of 8th Avenue East if extended northwardly, which is the point of beginning.

WARD NUMBER FOUR

Beginning at a point the intersection of the center line of 8th Avenue East with the center line of Moulton Road; thence in a westerly direction with the center line of said Moulton Road to its intersection with the center line of the L. & N. Railroad right-of-way; thence in a northwesterly and northeasterly direction with the center line of said L. & N. Railroad right-of-way to its intersection with the center line of Vine Street; thence in a northwesterly direction with the center line of Vine Street and the center line of the Courtland Road to the west boundary line of the present corporate limits of the City of Decatur, Alabama; thence in a northwesterly direction with the west corporate line of the City of Decatur, Alabama, to the north corporate limit of the City of Decatur, Alabama, thence in an easterly direction with the north corporate limit of Decatur, Alabama, and the south boundary line of the Tennessee River to the center line of what is known as Skillington Street if extended northwardly to the Tennessee River thence in a southwesterly direction with the center line of what is known as Skillington Street, if extended northwardly to the Tennessee River and what is known as Skillington Street to its intersection with the center line of 8th Avenue East if extended northwardly; thence in a southerly direction with the center line of 8th Avenue East if extended northwardly and the center line of 8th Avenue East to its intersection with the center line of Moulton Road, which is the point of beginning.

WARD NUMBER FIVE

Beginning at a point which is the intersection of the west boundary line of 14th Avenue West with the center line of Moulton Road; thence in an easterly direction with the center line of said Moulton Road to its intersection with the center line of the L. & N. Railroad right-of-way; thence in a northwesterly and northeasterly direction with the center line of the L. & N. Railroad right-of-way to its intersection with the center line of Vine Street; thence in a northwesterly direction with the center line of Vine Street and the center line of Courtland Road to the west corporate limit of the City of Decatur, Alabama; thence in a southeasterly, northwesterly and southerly direction along the west corporate limits of the City of Decatur, Alabama, to the intersection of the west boundary line of 14th Avenue West with the center line of the Moulton Road, which is the point of beginning.

The said board of commissioners shall have no power to change or rearrange the said wards, or increase or decrease the number thereof during their term of office, but the same shall remain as they are herein divided and bounded, unless changed after the city assumes a regular commission form of government, or aldermanic form of government after October 1, 1926.

Eleventh: If any paragraph, portion or division of this Act should be declared to be unconstitutional by the courts, it shall only affect such paragraph, part or provision, and the remainder of the Act shall be and continue in full force and effect.

Twelfth: The validity of this Act is conditioned upon the passage and approval and constitutionality of an Act to alter, extend, or rearrange the boundaries of the City of Decatur, Alabama, wherein the corporate limits of the City of Decatur are extended so as to include the territorial area of the City of Albany, Alabama, and if such Act shall not become a law, this Act shall be of no effect.

Thirteenth: All laws in conflict with this Act are hereby repealed.

State of Alabama, }
Morgan County. }

Before me, Robert T. Sheppard, a Notary Public, in and for said State and County, this day personally appeared W. R. Shelton, who is known to me, and who being by me first duly sworn deposes and says: that he is Editor and Manager of the Albany-Decatur Daily, a daily newspaper published at Albany, Morgan County, Alabama, and that the notice, a copy of which is hereto attached, providing "A Bill to be entitled an Act to provide a form of government for the City of Decatur, Alabama, and to prescribe the powers and duties of a temporary Board of Commissioners, pending a change in the form of government from a City with a population under six thousand to a City of a population of six thousand or more," was published once a week for four consecutive weeks in said newspaper, commencing on the 14th day of July 1923, without cost to the State of Alabama.

W. R. Shelton.

Sworn to and subscribed before me, this the 6th day of August, 1923.
(Seal)

Robert T. Sheppard,
Notary Public, Morgan County, Alabama.

By Mr. Patterson (with notice and proof) :

H. 624. Requiring the City of Decatur to assume all liabilities of every kind whatsoever outstanding against the city of Albany, and vesting in the City of Decatur all property of every kind whatsoever, owned by the City of Albany, and conferring upon the City of Decatur the right to defend all actions against the City of Albany, and to prosecute all suits pending in the name of the City of Albany, and to carry out street improvements or other public improvements already begun by the City of Albany.

Municipal Organization.

Notice and proof H. 624:

A bill to be entitled an Act requiring the City of Decatur to assume all liabilities of every kind whatsoever outstanding against the City of Albany, and vesting in the City of Decatur all property of every kind whatsoever, owned by the City of Albany, and conferring upon the City of Decatur the right to defend all actions against the City of Albany, and to prosecute all suits pending in the name of the City of Albany, and to carry out street improvements or other public improvements already begun by the City of Albany.

Be it enacted by the Legislature of Alabama:

First: That after the passage and approval of an Act of the Legislature to vacate the charter of the City of Albany, Alabama, and an Act to alter or rearrange the boundaries of the City of Decatur, Alabama, that the City of Decatur, Alabama shall:

(a) Assume and pay any and all liabilities, bonds, indebtedness and interest thereon of every kind and character now owing by the City of Albany, or for which it is in any way liable.

(b) Become vested with the title and ownership of all property, both real and personal, including taxes, monies, school buildings, and grounds, parks, fixtures and furniture of school buildings, city or town halls, equipment and apparatus of fire departments, city and town halls, all rights of forfeiture of franchises and of all property, real or personal of every kind whatsoever.

(c) Collect all taxes due the City of Albany, and prosecute proceedings for the collection of taxes now pending.

(d) Succeed to all rights of action and rights to collection and enforce all judgments and decrees, defend all suits pending against the City of Albany, and prosecute all rights of action and all suits pending in the name of the City of Albany.

Second: All public books, papers, documents, maps, profiles, plans, and specifications for public improvements, evidences of indebtedness, muniments of title, and all other papers of the City of Albany, or on file in any office of the City of Albany or with any public officer thereof, shall be transferred to and filed with the City Clerk of Decatur, or such other officer as the governing body thereof may direct.

Third: All assessment bonds upon property for improvements or obligations issued by the City of Albany for public improvements, shall be the primary obligations of the City of Decatur, which city is empowered to make all assessments and do any and all acts to complete the improvements on contracts made by the City of Albany, and issue its bonds for said improvements when completed.

Fourth: It is the intention of this Act that the City of Decatur shall assume and be subject to all liabilities and rights of action of the City of Albany, and own and control all property, and property rights of every kind whatsoever now owned by the City of Albany.

John Patterson.

State of Alabama, }
Morgan County. }

Before me, Robert T. Sheppard, a Notary Public, in and for said State and County, this day personally appeared W. R. Shelton, who is known to me, and who being by me first duly sworn deposes and says: that he is Editor and Manager of the Albany-Decatur Daily, a daily newspaper published at Albany, Morgan County, Alabama, and that the notice, a copy of which is here to attached, providing "A Bill to be entitled an Act requiring the City of Decatur to assume all liabilities of every kind whatsoever outstanding against the City of Albany, and vesting in the City of Decatur all property of every kind whatsoever owned by the City of Albany, and conferring upon the City of Decatur the right to defend all actions against the City of Albany and to prosecute all suits pending in the name of the City of Albany and to carry out street improvements or other public improvements already begun by the City of Albany," was published once a week for four consecutive weeks in said newspaper, commencing on the 14th day of July 1923, without cost to the State of Alabama.

W. R. Shelton.

Sworn to and subscribed before me, this the 6th day of August, 1923.
(Seal)

Robert T. Sheppard,
Notary Public, Morgan County, Alabama.

By Mr. Forman (By request):

H. 625. To remove the disabilities of non-age.

Revision of Laws.

By Mr. Luck (with notice and proof):

H. 626. To authorize, empower and require the commissioners Court, Board of Revenue, or other Court of like jurisdiction of Shelby County, Alabama, to pay to the Sheriff of Shelby County, out of the funds of the County Treasury of said County, the sum of Ten Dollars for each still or device captured, destroyed or confiscated in said County made, or used for the

manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the County Treasury of Shelby County on the presentation of claim by the Sheriff of Shelby County having attached to the same an affidavit of said Sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same. Said payment to be made by warrant drawn against the County Treasury by the Commissioners Court, Board of Revenue or other Court of like jurisdiction, said warrant to be a preferred claim against the Treasury of said County.

Local Legislation.

Notice and proof H. 626:

NOTICE.

Notice is hereby given that a bill will be introduced for passage in the Legislature of Alabama, when it re-convenes in July 1923, authorizing, empowering and requiring the Commissioners Court, Board of Revenue, or other court of like jurisdiction of Shelby county, Alabama, to pay to the Sheriff of Shelby county, out of funds of the county treasury of said county, the sum of ten dollars for each still or device captured, destroyed or confiscated in said county made, or used, for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the county treasury of Shelby county on the presentation of claim by the sheriff of Shelby county having attached to same an affidavit of said sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same.

Said payment to be made by warrant drawn against the county treasury by the Commissioners Court, Board of Revenue or other court of like jurisdiction. Said warrant to be a preferred claim against the treasury of said county.

This the 16th day of June 1923.

J. J. Falkner.

State of Alabama, }
Shelby County. }

Personally appeared before me, a Judge of Probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: June 21, 1923, June 28, 1923, July 5, 1923, and July 12, 1923.

Luther Fowler.

Subscribed and sworn to before me this 24th day of July 1923.

L. B. Ridelle,
Judge of Probate.

By Mr. Thompson of Jackson:

H. 627. To amend Section 4196 of the Code of Alabama of 1907.

Revision of Laws.

BILLS ON SECOND READING.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted

on the following bill and ordered same returned to the House with a favorable report:

S. 268. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees. Court established.

The above and foregoing bill was read a second time and placed upon the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

H. 6. To provide for the election of a county superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

Which said amendment is set out in the message from the Governor.

By a vote of a majority of the whole number elected to the Senate; said vote being: Yeas, 32; nays, 0.

And said bill, H. 6, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a majority of the whole number elected to the Senate; said vote on the passage of said bill as amended being: Yeas, 32; nays, 0.

And the bill, together with said Governor's message, containing the proposed amendment, is herewith returned to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin, Chairman Rules Committee:

S. J. R. 113. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they shall stand adjourned until Thursday, August 9, 1923, at 10 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate Joint Resolution which is set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING. SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the bill,

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

And the bill,

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspaper.

Was read a third time at length and passed.

Yeas, 53; nays, 31.

Yeas:

Messrs:

Mr. Speaker
Adams
Allen
Arrington
Bealle
Blackwell
Boykin
Burton
Calloway
Cook
Dickinson

Dowdle
Dunwoody
Ferrell
Forman
Grove
Guy
Hawkins
Henley
Holcombe
Hornsby
Hubbard

Jeter
Kilborn
LeMaistre
Long
Luck
McGowen
Mooneyham
Moorer
Moxley
Norman
Odom

Parker
Patterson
Poole
Rountree
Rutherford
St. John
Sanders (Concuh)
Smith (Clay)
Sollie
Stewart (Bibb)
Stewart (Calhoun)

Thompson (Etowah) Walton
Tunstall Ware
Walker

Mrs. Wilkins
Williams

Wyatt
Young

—53

Nays:

Messrs:

Adcock
Bowen, Lewis
Bowen, L. K.
Burns
Byars
Christian
Deloney
Fanning
Gaines
Glenn
Glover
Hall
Hatter
Henson
Hodgson
Howard

Howze
Jones
Kilpatrick
Letson
Love
Pickens
Posey
Powell

Ringer
Rives
Smith (Jefferson)
Smith (Lee)
Thompson (Jackson)
Tiller
Varner

—31

H. 268 (with substitute). To define, license, regulate and control billiard rooms and to fix penalties for the violation of this act.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws, said Committee substitute being as follows:

Substitute for H. 268:

A BILL

To be entitled An Act to define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. The term Billiards, as used in this Act, shall mean any of the several games played on a table surrounded by an elastic ledge of cushions, with balls which are impelled by a cue, and shall include all forms of the game known as Carom Billiards, Pocket Billiards, formerly known as Pool, and English Billiards. The term Billiard Room shall mean any public place where the game of Billiards is permitted to be played, and for which a charge is made.

Section 2. Authority is hereby vested in the various probate judges within the State of Alabama to license the operation of Billiard rooms within the corporate limits of the cities and towns of their respective counties as hereinafter provided.

Section 3. No license to operate a Billiard Room shall be issued to any person to operate any Billiard Room to which the public has access for amusement and recreation, who is not twenty-one (21) years of age, and a citizen of the United States; or who has been convicted of felony. Application for license to operate a Billiard Room shall be first made to the Probate Judge of the County in which the applicant proposes to conduct said business, in the form hereafter provided, and no license shall be issued by any city or town to any person to engage in such business until after such person has made application to and

been granted a license by the Probate Judge of the County in which such city or town is located.

Every application for license shall be accompanied by the affidavit of the applicant sworn to before an officer authorized by law to administer oaths, that the applicant is a citizen of the United States; that he is of good moral character; that he has not been convicted of felony; that he will not permit vagrants, or any person under the influence of intoxicating liquors to frequent or play in his place of business; that the applicant will have sole personal charge and management of said business; that he will not permit public gambling in such place of business, or permit the above described tables to be used in any manner other than as provided by law.

There shall also be filed with such application a bond in the penal sum of \$1,000.00, payable to the State of Alabama, and conditioned upon the faithful performance of all provisions of this Act, signed by the applicant as principal, and either a surety company or two individuals as securities, which said bond must be approved by the Probate Judge and filed in his office.

When said application and bond have been filed and approved as aforesaid, the Probate Judge shall issue license for the current year, or unexpired portion thereof, upon the payment of the license fees provided by the General Laws of the State of Alabama.

Provided further, that if any licensee hereunder shall voluntarily relinquish personal supervision, management and control of any Billiard Room, he shall surrender his license to the Probate Judge who may issue a new license to some other person, firm or corporation to continue said business, under the provisions of this Act, in which event credit shall be given for the unused portion of said surrendered license. But if any licensee shall relinquish management of said business as aforesaid, without surrendering his license for re-issue as hereinbefore provided, said license shall be deemed to be forfeited and the Probate Judge may order the sheriff of the County or the Chief Law Enforcement Officer of the State of Alabama to close said place of business.

Section 4. Before any person, firm or corporation shall be authorized to conduct a Billiard Room in any City or Town in the State of Alabama, it shall be necessary, in addition to complying with the foregoing provisions of this Act, to make application to the City Clerk of such City or Town for a license, and said application shall certify that application has been made to and a license granted to such applicant by the Probate Judge of the County in which such City or Town is located.

Section 5. It is hereby made a duty of the Chief Law Enforcement Officer of the State of Alabama to regularly inspect all public Billiard Rooms in the State for the purpose of ascertaining whether or not the provisions of this Act are being observed, and it is his duty to report all violations promptly to the Solicitor of the County in which such rooms are located, and furnish him with such information and assistance as is necessary for the prosecution of violations of this Act.

Section 6. The governing bodies of incorporated towns where Billiard Rooms are operated may fix a license fee for the operation of such Billiard Rooms and may make such additional regulations, governing the operation of such Billiard Rooms, as they may deem proper, provided that no City or Town shall have power to license or authorize the doing of any act or thing prohibited by this Act.

Section 7. It shall be unlawful for any person, firm or corporation to operate a Billiard Room between the hours of twelve o'clock, midnight, and six o'clock, A. M., or harbor or permit any person to be or remain in such Billiard Room between said hours, except regular employees performing necessary labor within the premises.

Section 8. It shall be unlawful for any person to play billiards, or to be permitted to remain in a Billiard Room, for any purpose, who has not reached the age of twenty-one (21) years, unless accompanied by a parent or guardian. In the event the keeper of a Billiard Room is of the opinion any person desiring admission thereto is under the age of twenty-one years, he shall require such person to certify his age in writing, and it is hereby made a misdemeanor, punishable by fine of not less than \$25.00 or more than \$100.00 for any minor to make false certificate as to his age.

Section 9. No dice, cards, dominoes, or other games of chance shall be permitted, or any form of gambling allowed in any Billiard Room, or in any room in which billiard tables are located, or in any cigar store, or other business located in the same room; provided further, that no game prohibited by law shall be played in such premises, and it is expressly provided that such games as are now known as Kelly Pool, Keno, Star Pool, Scrub, and similar gambling devices are expressly prohibited, and that no racing, or other betting pool shall be exhibited, permitted, or sold in such places of business, and that no intoxicating liquors shall be sold, served or allowed to be used in or on the premises.

Section 10. All Billiard Rooms shall be kept at all times in a clean, healthful and sanitary condition, and shall comply with all said ordinances now in force, or which shall hereafter be

enacted, regulating the same, and subject to all sanitary rules and regulations of the Health Department.

Section 11. No Billiard Room operating under the provisions of this Act shall allow or permit any screens, curtains, blinds, partitions or other obstructions to be placed between the entrance of rooms where billiards are played and back of rear wall of such Billiard Room. A clear view of the entire interior from the entrance to the rear of such room must be maintained at all times. No partitions forming rooms, stalls or other enclosures where the public congregate, shall be permitted. This provision, however, shall not be construed to prohibit the maintenance of wash rooms, and toilet rooms for proper purposes, or the maintenance of closets for storing purposes exclusively.

Section 12. It shall be unlawful for any Billiard Room to maintain, or permit to be maintained, any open or secret connections, through doors, windows, or trap doors, panels, stairways, or other devices, with any place where gambling is conducted or where persons congregate for immoral purposes.

Section 13. Every person, firm or corporation who shall keep or permit to be kept or used, any billiard table, or tables, within a City or incorporated Town in this State without having applied for a license, as provided for in Section 3, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$50.00 nor more than \$100.00, and each day that said table is operated without a license shall be deemed a separate offense.

Section 14. Every licensed Billiard Room proprietor shall post up in his room where said tables are operated a placard having Section 8 of this Act conspicuously written upon or printed thereon, in letters of not less than one-fourth of an inch in height for the information of his patrons.

Section 15. That the provisions of this Act shall not be construed to include Billiard Tables or Billiard Rooms operated by industrial concerns for the exclusive use of its employees, Young Men's Christian Association, Religious Orders, Charitable Institutions, State, County or City Institutions, Fraternal Orders, or bona fide Clubs, using such tables for employees or members only.

Section 16. Every licensed Billiard Room keeper who shall violate any of the provisions of this law, except as hereafter provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for the first offense, and shall be fined not less than \$25.00 nor more than \$100.00 for the second offense, and upon a third conviction for such offense the license of such keeper shall be cancelled and said bond of \$1,000.00 shall be forfeited to the State.

In the event of such third conviction no license shall thereafter be issued for a Billiard Room in the building in which the Billiard Room was conducted by the person so convicted.

Section 17. Any licensee under this Act who knows, or is interested in, or permits any gambling device, mentioned in Section 9 of this Act, now prohibited by law in any Billiard Room, or who permits any billiard table to be used for gambling, shall be, in purview of this Act, the keeper of a gambling house, and shall be guilty of a felony, and, on conviction thereof, must be fined not less than One Hundred Dollars nor more than Five Hundred Dollars, and shall be imprisoned in the penitentiary for not less than six months nor more than two years; and upon a second or any subsequent conviction shall be imprisoned in the penitentiary for not less than two years or more than five years.

Section 18. This Act shall not be construed as authorizing the issuance of any license by City Officials, or Probate Judge for the operation of any public Billiard Room in any town or city of this State where the operation of a public Billiard Room is now or may hereafter be prohibited by City Ordinance.

Section 19. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 20. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 21. This Act shall take effect October 1st, 1923.

Mr. Kilborn offered the following amendment to the substitute:

Amend Section 17 of Substitute for H. 268 as follows:

(a) By inserting the word "knowingly" immediately preceding the word "permits" on line 17 of page 5 of the substitute bill.

(b) By inserting the word "knowingly" on line 21 immediately preceding the word "permits" on page 5 of the substitute bill.

Amend Substitute for H. 268 as follows:

Strike from Section 17 all that part beginning with the words "in the purview of this Act on lines 21 and 22 of page 5 and insert in lieu thereof the following:

"Guilty of a misdemeanor and on conviction thereof shall for a first offense be fined not less than \$50.00 nor more than \$500.00 or may be sentenced to hard labor for the County for not more than 12 months and on a second conviction shall be guilty of a felony and shall be fined not less than \$100, and sen-

tenced to the penitentiary for not less than one and not more than 2 years.

And the amendment of Mr. Kilborn to the substitute was adopted.

And the substitute reported by the Standing Committee on Revision of Laws as amended by the amendment of Mr. Kilborn was adopted.

Yeas, 77; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilpatrick	Rives
Adams	Fite	Lee	Rountree
Adcock	Forman	LeMaistre	Rutherford
Allen	Gaines	Letson	Sanders (Conecuh)
Arrington	Glenn	Love	Smith (Clay)
Ashcraft (Lauderdl.)	Glover	Luck	Smith (Jefferson)
Bealle	Graves	McGowen	Smith (Lee)
Blackwell	Hall	Melton	Sollie
Bowen, Lewis	Hatter	Mooneyham	Stewart (Calhoun)
Bowen, L. K.	Hawkins	Moorer	Thompson (Etowah)
Boykin	Henley	Moxley	Thompson (Jackson)
Burns	Henson	Norman	Tiller
Burton	Hodgson	Odom	Walker
Byars	Hornsby	Parker	Wall
Calloway	Howard	Patterson	Ware
Cook	Hubbard	Pickens	Mrs. Wilkins
Deloney	Jeter	Poole	Williams
Dickinson	Jones	Posey	Wyatt
Dowdle	Kilborn	Ringer	Young
Fanning			

—77

Nays: Messrs. Grove and Powell—2.

And the bill,

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this act.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 73; nays, 2.

Yeas:

Messrs:

Mr. Speaker	Calloway	Glover	Kilpatrick
Adams	Christian	Graves	Lee
Adcock	Cook	Guy	LeMaistre
Allen	Deloney	Henley	Letson
Arrington	Dickinson	Hodgson	Love
Ashcraft (Lauderdl.)	Dowdle	Hornsby	Luck
Bealle	Dunwoody	Howard	Mooneyham
Blackwell	Embry	Howze	Moorer
Bowen, L. K.	Fanning	Hubbard	Moxley
Boykin	Ferrell	Jeter	Norman
Burton	Fite	Jones	Odom
Byars	Gaines	Kilborn	Parker

Patterson	Smith (Clay)	Thompson (Etowah)	Walton
Posey	Smith (Jefferson)	Thompson (Jackson)	Ware
Powell	Smith (Lee)	Tiller	Mrs. Wilkins
Ringer	Sollie	Varner	Williams
Rountree	Stewart (Bibb)	Walker	Wyatt
Rutherford	Stewart (Calhoun)	Wall	Young
Sanders (Conecuh)			

—73

Nays: Messrs. Grove and Henson.

BILL ON THIRD READING.

H. 293. To amend Section 6659 of the Code of 1907.

Was taken up.

Mr. Bealle offered the following amendment to the bill:

Amend the bill by striking out the figures 7½ wherever the same appear in said bill and substituting therefore the figure 5.

And the amendment was adopted.

Yeas, 44; nays, 37.

Yeas:

Messrs:

Bealle	Fanning	Jones	Ringer
Bowen, Lewis	Ferrell	Long	Rutherford
Bowen, L. K.	Fite	Love	Smith (Clay)
Burton	Gaines	McGowen	Smith (Lee)
Byars	Graves	Mooneyham	Sollie
Calloway	Grove	Moorer	Stewart (Bibb)
Christian	Hatter	Moxley	Stewart (Calhoun)
Deloney	Holcombe	Odom	Thompson (Jackson)
Dickinson	Hornsby	Parker	Walker
Dowdle	Howard	Pickens	Ware
Embry	Howze	Powell	Wyatt

—44

Nays:

Messrs:

Mr. Speaker	Forman	Jeter	Rives
Adams	Glenn	Kilpatrick	St. John
Adcock	Glover	Lee	Smith (Jefferson)
Allen	Guy	LeMaistre	Thompson (Etowah)
Arrington	Hall	Letson	Tiller
Ashcraft (Lauderdl.)	Henley	Norman	Wall
Blackwell	Henson	Patterson	Walton
Burns	Hodgson	Poole	Mrs. Wilkins
Cook	Hubbard	Posey	Young
Dunwoody			

—37

Mr. Tunstall offered the following amendment to the bill:

Amend by adding the following "Provided that nothing herein shall repeal any local law."

And the amendment was adopted.

Yeas, 81; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Letson	St. John
Adams	Ferrell	Long	Sanders (Conecuh)
Adcock	Forman	Love	Smith (Clay)
Allen	Gaines	Luck	Smith (Jefferson)
Arrington	Glenn	McGowen	Smith (Lee)
Ashcraft (Lauderdl.)	Glover	Melton	Stewart (Bibb)
Bealle	Graves	Mooneyham	Stewart (Calhoun)
Blackwell	Grove	Moorer	Thompson (Etowah)
Bowen, Lewis	Guy	Moxley	Thompson (Jackson)
Boykin	Hall	Norman	Tiller
Burns	Hawkins	Odom	Tunstall
Burton	Henson	Parker	Varner
Byars	Hodgson	Patterson	Walker
Cato	Hornsby	Pickens	Wall
Christian	Howard	Poole	Walton
Cook	Hubbard	Posey	Ware
Deloney	Jeter	Ringer	Mrs. Wilkins
Dickinson	Kilborn	Rives	Williams
Dowdle	Kilpatrick	Rountree	Wyatt
Dunwoody	Lee	Rutherford	Young
Embry			

—81

Mr. Williams offered the following amendment to the bill:

By writing the words \$2.00 in lieu of \$1.50 where the same occurs in said bill.

On motion of Mr. Powell, the further consideration of the bill and amendments was postponed until the 30th Legislative Day.

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Was taken up. Mr. Wyatt offered the following amendment to the bill:

Amend Senate bill No. 278 by adding thereto the following:

Sec. 8. Provided, however, that said bill shall not become effective until the same has been submitted to the qualified voters of Chilton County, Alabama, and a majority of the voters

participating in the said election have voted in favor of said bill.

Sec. 9. Be it further enacted by the Legislature of Alabama, that the Governor be, and he is hereby, empowered and directed, within thirty days after the passage of this bill, to call an election and submit to the qualified voters of Chilton County, Alabama, the question of whether said bill shall become effective. If at said election a majority of the qualified voters participating therein shall vote in favor of said bill, then said bill shall become effective; but if at said election a majority of the qualified voters participating therein vote against said bill, then said bill shall not become effective as law.

Sec. 10. Be it further enacted by the Legislature of Alabama, that the Governor be and he is hereby empowered to do any and all things necessary for the calling of said election and submitting said bill to the qualified voters of said county.

On motion of Mr. Luck the amendment offered by Mr. Wyatt was laid upon the table.

And the bill,

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-establish by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 63; nays 13.

Yeas:

Messrs:

Mr. Speaker	Burns	Embry	Hodgson
Adams	Burton	Fanning	Howze
Adcock	Byars	Fite	Hubbard
Allen	Calloway	Forman	Jones
Ashcraft (Lauderdl.)	Cato	Glenn	Kilpatrick
Bealle	Christian	Graves	Lee
Blackwell	Cook	Grove	LeMaistre
Bowen, Lewis	Deloney	Hall	Letson
Bowen, L. K.	Dowdle	Hatter	Love
Boykin	Dunwoody	Henson	Luck

McGowen	Parker	Smith (Jefferson)	Walton
Melton	Patterson	Stewart (Bibb)	Ware
Mooneyham	Powell	Stewart (Calhoun)	Mrs. Wilkins
Moorer	Ringer	Thompson (Etowah)	Williams
Moxley	Rives	Thompson (Jackson)	Young
Norman	Rountree	Tiller	

—63

*Nays:**Messrs:*

Ferrell	Hornsby	Posey	Smith (Clay)
Guy	Kilborn	Rutherford	Walker
Hawkins	Poole	St. John	Wyatt
Holcombe			

—13

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 354. To provide for the division of Henry county, Alabama, into four commissioners' districts, to define the boundary lines of such districts by showing the beats composing each of such districts; to provide for the election of one commissioner from each of such districts; to fix their terms of office and prescribe their duties under this act and as otherwise provided by law; to fix the date for election of such commissioners; to require such commissioners, including the present court of county commissioners, to furnish bond; and to further define and prescribe the duties and powers of said court of county commissioners.

Also:

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

Also:

H. 405. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Also:

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the probate judge of Walker county, Alabama, for acting as judge of and doing the work of the judge of the county court of Walker county, Alabama.

Also:

H. 353. To require the court of county commissioners of Henry county, Alabama, to have published in some newspaper

published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Also:

H. 50. To abolish the County Court of Autauga County.

J. E. Speight,
Secretary.

RECOMMITTAL OF BILLS.

On motion of Mr. Ashcraft of Lauderdale the bill, H. 293, To amend Section 6659 of the Code of 1907,

Together with amendments adopted and pending amendment was recommitted to the Standing Committee on Claims and Fees.

On motion of Mrs. Wilkins the bill H. 366, To provide for the election of Boards of Education in municipalities in the State of Alabama with populations of one hundred thousand or more according to the Federal Census of 1920 or any subsequent Federal Census; to prescribe the times and manner for holding elections therefor; to prescribe the powers of such Boards of Education; to prescribe the terms of office of the members of such Boards of Education; and to provide for the repeal of conflicting laws or legislation.

Was recommitted to the Standing Committee on Education.

INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Rives the bill H. 186, Relating to the terms of office and a change in the terms of office of all municipal officers in all cities in this State having more than 150,000 population, according to the last or any subsequent Federal census; to authorize and provide for the termination of the terms of office of all such officers by a recall election and to provide for the election of their successors at a succeeding election, was indefinitely postponed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to Governor at 2:50 P. M., August 7, 1923:

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

Also:

H. J. R. 89. Relative to fixing the hours of the clerks in the various legislative departments.

Also:

H. J. R. 92. Relative to raising funds to erect a stadium as a memorial to the alumni of the University of Alabama and the Alabama Polytechnic Institute who sacrificed their lives in the world war.

Also:

H. 475. To arrange the boundary between Elmore and Montgomery counties.

Also:

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker county, Alabama, and to repeal all laws and parts of laws in conflict herewith:

Also:

H. J. R. 93. Relative to appointing a Committee to visit the State of Georgia, while its Legislature is in session to present to the Democrats of Georgia the claims of Hon. Oscar W. Underwood for the Presidency of the United States.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

H. 220 (with substitute). To amend an Act entitled "An Act to create a commission with authority and powers to act for and on behalf of the State of Alabama in acquiring by purchase or condemnation the building in the City of Montgomery, Alabama, commonly known and designated as the 'First White House of the Confederacy,' and also the land whereon said building rests or such other land as said commission may deem advisable, and to make appropriation for such purpose and for the maintenance and repair of such property," said Act having been approved Sept. 26, 1919, and appearing in General Acts of Alabama of 1919 at page 736; to continue said Commission, to further prescribe its authority, powers and duties relative to the preservation of the building known as the "First White House of the Confederacy" as a Confederate museum, and to make adequate appropriation for the maintenance, repair, upkeep and a custodian of said property.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Pensions and Soldiers' Home, said Committee substitute being as follows:

A BILL

To be entitled an Act to provide for the care, upkeep, custody and management of the building and grounds opposite the Capi-

tol grounds and known as the First White House of the Confederacy, and to make appropriation therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That the building and grounds known as the First White House of the Confederacy, opposite the Capitol and now the property of the State, shall be preserved and held inviolate as a perpetual memorial to Jefferson Davis and the men and women associated with him in the organization of the Confederate Government, and as a reminder to all future generations that this great historical event, one of the most memorable in the annals of time, occurred in the City of Montgomery and State of Alabama. To this end its use shall be confined to a display of what are known as the Jefferson Davis relics, and such other relics of the Confederacy as may be gathered from time to time, provided vacant space not so in use may be occupied by such State officials as the Governor may from time to time direct.

Section 2. That the care and upkeep of the building as a building shall be a part of the duties of the Secretary to the Governor, just as is the Capitol building itself.

Section 3. That the management of the First White House of the Confederacy as an institution for the cultivation of Confederate history, the preservation of Confederate relics and a reminder for all time of how pure and great were Southern statesmen and Southern valor, is confided to the organization known as the White House Association, through its duly accredited officers, this Association having begun the work of acquiring the building and having carried it to a successful conclusion. Their several acts shall at all times be subject to the approval of the Governor.

Section 4. That for the purposes of this Act the sum of \$1,000.00 per annum is hereby appropriated, a part of which shall be used in the employment of a custodian of the building and its contents, all to be expended by the officers of the White House Association, subject to the approval of the Governor and to be paid out in warrants by the Auditor as other public funds are disbursed.

Section 5. This Act shall take effect from and after its approval by the Governor.

Mr. Glover offered the following amendment to the substitute:

Amend by striking out the words one thousand dollars where they appear and insert in lieu thereof the words Seven Hundred and Fifty Dollars.

On motion of Mr. Rountree, the amendment offered by Mr. Glover was laid upon the table.

And the substitute was adopted.

Yeas, 62; nays, 4.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Jeter	Rives
Adams	Embry	Jones	Rountree
Adcock	Fanning	Kilpatrick	St. John
Allen	Fite	LeMaistre	Sanders (Conecuh)
Arrington	Forman	Letson	Smith (Clay)
Ashcraft (Lauderdl.)	Gaines	Luck	Stewart (Calhoun)
Bealle	Glenn	McGowen	Thompson (Etowah)
Bowen, Lewis	Graves	Moxley	Tunstall
Bowen, L. K.	Grove	Odom	Walker
Boykin	Guy	Parker	Wall
Burns	Hatter	Patterson	Walton
Burton	Hawkins	Pickens	Ware
Byars	Henson	Poole	Mrs. Wilkins
Calloway	Hodgson	Powell	Williams
Cook	Howard	Ringer	Young
Deloney	Howze		

—62

Nays:

Messrs:

Cato	Mooneyham	Norman	Stewart (Bibb)
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—4

And the bill,

H. 220. To amend an Act entitled "An Act to create a commission with authority and powers to act for and on behalf of the State of Alabama in acquiring by purchase or condemnation the building in the City of Montgomery, Alabama, commonly known and designated as the 'First White House of the Confederacy,' and also the land whereon said building rests or such other land as said commission may deem advisable, and to make appropriation for such purpose and for the maintenance and repair of such property," said Act having been approved September 26, 1919, and appearing in General Acts of Alabama of 1919 at page 736; to continue said Commission, to further prescribe its authority, powers and duties relative to the preservation of the building known as the "First White House of the Confederacy" as a Confederate museum, and to make adequate appropriation for the maintenance, repair, upkeep and a custodian of said property.

As amended by the substitute, was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Arrington	Bowen, Lewis	Burton
Adams	Ashcraft (Lauderdl.)	Bowen, L. K.	Byars
Adcock	Bealle	Boykin	Calloway
Allen	Blackwell	Burns	Christian

Cook	Henson	Parker	Stewart (Calhoun)
Deloney	Hodgson	Patterson	Thompson (Etowah)
Dickinson	Howze	Pickens	Tiller
Dowdle	Jeter	Poole	Tunstall
Embry	Jones	Ringer	Walker
Fanning	Kilpatrick	Rives	Wall
Fite	LeMaistre	Rountree	Walton
Forman	Letson	St. John	Ware
Gaines	Love	Sanders (Conecuh)	Mrs. Wilkins
Glenn	McGowen	Smith (Clay)	Williams
Graves	Mooneyham	Smith (Jefferson)	Wyatt
Grove	Norman	Sollie	Young
Hawkins	Odom		

—66

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston county, Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Inzer:

S. 284. To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorder's court.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Judiciary, S. 284.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	LeMaistre	Smith (Clay)
Bowen, Lewis	Glover	Letson	Smith (Jefferson)
Bowen, L. K.	Goode	Long	Smith (Lee)
Cato	Goodwyn	Love	Sollie
Christian	Graves	Luck	Tiller
Cook	Grove	McGowen	Tunstall
Deloney	Guy	Melton	Tyson
Dickinson	Hall	Moorer	Varner
Dowdle	Hampton	Odom	Walker
Dunwoody	Hatter	Patterson	Wall
Elliott	Hawkins	Pickens	Walton
Embry	Henley	Rives	Ware
Fanning	Jeter	Rountree	Mrs. Wilkins
Ferrell	Jones	Rutherford	Williams
Fite	Kilpatrick	St. John	Wyatt
Forman	Lee	Sanders (Conecuh)	Young
Gaines			

—65

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hawkins	Rives
Adams	Dickinson	Henley	Rountree
Adcock	Dowdle	Holcombe	St. John
Allen	Dunwoody	Jeter	Sanders (Conecuh)
Arrington	Embry	Jones	Smith (Clay)
Ashcraft (Lauderdl.)	Fanning	Lee	Smith (Jefferson)
Bealle	Ferrell	LeMaistre	Smith (Lee)
Blackwell	Fite	Letson	Snodgrass
Bowen, Lewis	Forman	Odom	Sollie
Bowen, L. K.	Gaines	Parker	Stewart (Bibb)
Boykin	Glenn	Patterson	Stewart (Calhoun)
Burns	Glover	Pickens	Thompson (Etowah)
Byars	Graves	Poole	Thompson (Jackson)
Calloway	Grove	Posey	Tiller
Cato	Guy	Powell	Tunstall
Christian	Hatter	Ringer	Varner
Cook			

—65

H. 407 (with amendment). To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties and compensation; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said Committee amendment being as follows:

Amend a bill entitled "An Act to establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks and other officials, their appointment, duties and compensation; to provide for the transfer of causes from the said court to the Circuit Court; provide for appeals from said court to the Circuit Court, and the procedure in the Circuit Court on appeal or transfer of said cause," being House Bill No. 407, as follows:

1. Amend the title of said bill by adding immediately after the words "appointment, duties and compensation," where the same appear together in the title, and immediately before the words "to provide for the transfer of causes from said court," the following: "to provide for the jurisdiction, practice and procedure of said court."

2. Amend said House Bill No. 407 by inserting immediately after paragraph 23, and immediately before paragraph 26, paragraph 24, as follows:

24. The defendant shall have seven days from the day the Summons and Complaint are served upon him to appear and plead.

3. Amend said House Bill No. 407 by adding paragraph 25 as follows:

25. (a) In all suits and actions on promissory notes, bills of exchange, or other negotiable instruments, contracts in writing, or accounts, if the plaintiff or his agent shall have filed at the time of bringing his suit or action, an affidavit setting out distinctly his cause of action, and the sum he claims to be due, and that same is due, owing and unpaid, a copy of which must be served on the defendant with the Summons and Complaint, plaintiff shall be entitled to judgment for the amount so claimed, with interest and costs, unless the defendant shall file along with his plea, if in bar, an affidavit of defense denying the rights of the plaintiff as to the whole or some specified part of his claims, and specifically stating also in precise and distinct terms, the grounds of his defense, which must be such as would, if true, be sufficient to defeat the plaintiff's claim in whole or in part.

(b) The provision of this rule shall not apply to defendants who are representatives of decedents' estates, except when the affidavit filed with the Complaint sets forth the contract sued on was directly with such representatives, or that a promise to pay was made by him.

(c) When the defendant is a corporation the affidavit of defense may be made by an officer, agent or attorney of such corporation.

(d) When the affidavit required to be filed hereinabove does not comply with said provisions, such affidavit may be stricken out and judgment entered on motion.

(e) The court may by rules require such affidavit of defense and pleas to be filed along with the demurrer, if any be filed, which affidavit shall not waive the demurrer.

4. Amend paragraph 28 and substituting therefor the following:

28. When the defendant, or other party occupying the position of defendant, or other party entitled thereto, shall have demanded a trial by a jury, in the manner and within the time provided, this court shall proceed to settle the pleadings and make up an issue, and if an issue of fact be made up, the clerk of this court shall thereupon transfer all the papers in said cause, together with a transcript of the Court's rulings on the pleadings, and a statement of the issues made up, to the Circuit Court of Jefferson County, and the said cause shall there proceed as if said cause had originated in said Circuit Court and the issue made up therein, except as otherwise provided in this Act.

Where a defendant, or other party occupying the position of defendant, or other party entitled thereto, has demanded a trial by a jury, but upon the pleading no issue of fact to be tried by

a jury is tendered by him, this court may proceed to render judgment.

5. Amend Section 5, Sub-section 3, of House Bill No. 407 by striking from said sub-section 3 the following: "not contrary to the constitution and statutes of this state, or to the rules adopted by the supreme court or the circuit court."

6. Amend Section 29 of House Bill No. 407 by striking therefrom the following: "and upon the trial in the circuit court, the defendant shall be entitled to prove under the general issue any matter of defense as if specially plead, and the plaintiff may introduce in evidence by way of reply, any evidence as if well plead, by way of replication; that upon the trial of such cause in the circuit court, the plaintiff shall make orally a brief and succinct statement of his reply or answer to such defense."

7. Amend House Bill No. 407 by adding Section 50 to same to read as follows:

"Section 50. That this act shall become effective upon its passage."

Amend section ten by striking "\$1,800" where it appears and inserting in lieu thereof "\$1,200;" and by striking "\$150" where it appears and inserting in lieu thereof "one hundred dollars."

And the amendment was adopted.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Ashcraft (Lauderdl.)

Bealle

Bowen, Lewis

Bowen, L. K.

Byars

Cato

Cook

Deloney

Dowdle

Dunwoody

Embry

Fanning

Ferrell

Fite

Gaines

Glenn

Glover

Graves

Grove

Hall

Hatter

Hawkins

Holcombe

Hornsby

Howze

Hubbard

Jeter

Jones

Kilborn

Lee

LeMaistre

Love

McGowen

Moxley

Norman

Parker

Patterson

Poole

Posey

Powell

Ringer

Rives

Rountree

Rutherford

St. John

Sanders (Conecuh)

Smith (Clay)

Smith (Jefferson)

Smith (Lee)

Sollie

Stewart (Calhoun)

Thompson (Etowah)

Thompson (Jackson)

Varner

Walker

Wall

Walton

Ware

Mrs. Wilkins

Williams

Young

—65

And the bill:

H. 407. To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation, to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said

court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

As amended, was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Letson	Smith (Clay)
Adams	Fite	Love	Smith (Jefferson)
Allen	Gaines	Luck	Smith (Lee)
Ashcraft (Lauderd'e)	Glenn	McGowen	Stewart (Calhoun)
Bealle	Glover	Melton	Thompson (Etowah)
Bowen, Lewis	Graves	Moorer	Thompson (Jackson)
Bowen, L. K.	Grove	Moxley	Tiller
Burns	Guy	Odom	Tunstall
Burton	Hall	Parker	Varner
Byars	Howard	Poole	Walker
Cato	Howze	Posey	Wall
Christian	Hubbard	Rives	Walton
Cook	Jeter	Rountree	Ware
Deloney	Jones	Rutherford	Mrs. Wilkins
Dickinson	Kilborn	St. John	Williams
Elliott	Lee	Sanders (Conecuh)	Young
Embry			

—65

H. 463. To amend an Act "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson county."

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jeter	Pickens
Adams	Fite	Jones	Posey
Adcock	Forman	Kilborn	Ringer
Allen	Gaines	Kilpatrick	Rives
Arrington	Glover	Lee	Rutherford
Ashcraft (Lauderd'e)	Graves	LeMaistre	St. John
Bowen, Lewis	Grove	Letson	Sanders (Conecuh)
Bowen, L. K.	Hall	Love	Sollie
Burns	Hampton	Luck	Tiller
Burton	Henley	McGowen	Varner
Byars	Henson	Melton	Wall
Calloway	Hodgson	Mooneyham	Walton
Cato	Holcombe	Moorer	Ware
Cook	Howard	Moxley	Mrs. Wilkins
Deloney	Howze	Odom	Wyatt
Dowdle	Hubbard	Patterson	Young
Dunwoody			

—65

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highway, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the southwest quarter of the southeast quarter of section five (5), township eighteen

(18), south, range two (2), west, in Jefferson county, Alabama, described as follows: Commence at or near the southeast corner of said southwest quarter of the southeast quarter of section five (5) at the intersection of said highway, roadway or passageway with the Montevallo road and extend thence west along or near the southern boundary line of said southwest quarter of the southeast quarter of section five (5) to the western boundary line, or to an extension thereof to the south, of said southwest quarter of the southeast quarter of section five (5).

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glover	McGowen	Smith (Lee)
Bowen, Lewis	Graves	Melton	Sollie
Bowen, L. K.	Grove	Mooneyham	Stewart (Bibb)
Burns	Henley	Moorer	Stewart (Calhoun)
Burton	Henson	Nichols	Thompson (Etowah)
Byars	Hodgson	Norman	Thompson (Jackson)
Calloway	Howze	Odom	Tiller
Cato	Hubbard	Parker	Varner
Dickinson	Jeter	Pickens	Walker
Dowdle	Jones	Poole	Wall
Dunwoody	Kilborn	Posey	Walton
Elliott	Lee	Rives	Ware
Embry	Letson	Rutherford	Mrs. Wilkins
Fanning	Long	Sanders (Conecuh)	Williams
Ferrell	Love	Smith (Clay)	Wyatt
Fite	Luck	Smith (Jefferson)	Young
Glenn			

—65

H. 348. To vacate and annul a portion of Railroad street in the town of Red Level, Alabama.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goode	Lee	Patterson
Adams	Goodwyn	LeMaistre	Pickens
Adcock	Graves	Letson	Poole
Allen	Grove	Long	Posey
Boykin	Guy	Love	Powell
Burns	Hall	Luck	Ringer
Burton	Hampton	McDaniel	Rives
Byars	Hatter	McGowen	Rountree
Calloway	Hawkins	Melton	Rutherford
Cato	Henley	Mooneyham	St. John
Christian	Hodgson	Moorer	Sanders (Conecuh)
Coleman	Holcombe	Moxley	Smith (Clay)
Cook	Hornsby	Nichols	Smith (Jefferson)
Culver	Howard	Norman	Smith (Lee)
Deloney	Jones	Odom	Thompson (Etowah)
Embry	Kilborn	Parker	Thompson (Jackson)
Glover			

—65

H. 479. To divide Tallapoosa county, Alabama, into five commissioners' districts and provide for the election of the commissioners from each of said districts.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Kilpatrick	Rives
Adams	Embry	Lee	Rountree
Adcock	Graves	LeMaistre	Smith (Clay)
Allen	Grove	Long	Smith (Jefferson)
Bealle	Guy	Love	Smith (Lee)
Boykin	Hall	Luck	Stewart (Bibb)
Burns	Hampton	McGowen	Stewart (Calhoun)
Burton	Hatter	Melton	Thompson (Etowah)
Byars	Hawkins	Mooneyham	Tiller
Calloway	Henson	Moorer	Varner
Cato	Hodgson	Moxley	Wall
Christian	Holcombe	Norman	Walton
Cook	Hornsby	Odom	Ware
Deloney	Howard	Parker	Williams
Dickinson	Hubbard	Powell	Wyatt
Dowdle	Kilborn	Ringer	Young
Dunwoody			

—65

S. 209. "To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Howard	Pickens
Adams	Ferrell	Howze	Poole
Adcock	Forman	Hubbard	Posey
Allen	Gaines	Jones	Powell
Arrington	Glenn	Kilborn	Rountree
Ashcraft (Lauder's)	Glover	Kilpatrick	Rutherford
Bealle	Graves	LeMaistre	St. John
Calloway	Grove	Letson	Sollie
Cato	Guy	Love	Stewart (Bibb)
Christian	Hall	Luck	Thompson (Jackson)
Cook	Hampton	McGowen	Tiller
Deloney	Hatter	Melton	Tunstall
Dickinson	Henley	Mooneyham	Mrs. Wilkins
Dowdle	Henson	Moorer	Williams
Dunwoody	Holcombe	Nichols	Wyatt
Elliott	Hornsby	Norman	Young
Embry			

—65

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State treasury of the sum of five hundred dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hubbard	Sanders (Conecuh)
Adams	Embry	Jeter	Smith (Clay)
Adcock	Fanning	Jones	Smith (Jefferson)
Allen	Fite	Kilpatrick	Smith (Lee)
Ashcraft (Lauderd'e)	Gaines	Mooneyham	Sollie
Bealle	Glenn	Norman	Stewart (Bibb)
Bowen, Lewis	Glover	Odom	Stewart (Calhoun)
Bowen, L. K.	Graves	Parker	Thompson (Etowah)
Boykin	Grove	Patterson	Thompson (Jackson)
Burns	Hampton	Posey	Tiller
Byars	Hatter	Powell	Varner
Cato	Henley	Ringer	Walker
Christian	Henson	Rives	Wall
Cook	Hodgson	Rountree	Walton
Deloney	Hornsby	Rutherford	Wyatt
Dickinson	Howard	St. John	Young
Dowdle			

—65

H. 402. To provide for the payment of an expense account for the solicitor of the fourteenth judicial circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Luck	Smith (Clay)
Boykin	Gaines	McDaniel	Smith (Jefferson)
Burns	Glover	McGowen	Smith (Lee)
Burton	Grove	Melton	Sollie
Byars	Guy	Moorer	Stewart (Bibb)
Calloway	Hall	Moxley	Stewart (Calhoun)
Cato	Hampton	Norman	Thompson (Etowah)
Christian	Hatter	Odom	Thompson (Jackson)
Cook	Henley	Parker	Tiller
Deloney	Henson	Patterson	Tunstall
Dickinson	Jeter	Poole	Varner
Dowdle	Jones	Posey	Walker
Dunwoody	Kilborn	Powell	Wall
Elliott	Kilpatrick	Ringer	Ware
Embry	Letson	Rives	Mrs. Wilkins
Fanning	Love	Sanders (Conecuh)	Williams
Ferrell			

—65

S. 206. To amend Section 1 of an Act entitled an Act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Lee	Smith (Lee)
Adams	Embry	Letson	Stewart (Bibb)
Adcock	Fite	Love	Stewart (Calhoun)
Allen	Gaines	Luck	Thompson (Etowah)
Bealle	Glover	Melton	Thompson (Jackson)
Blackwell	Graves	Moorer	Tiller
Boykin	Grove	Moxley	Tunstall
Burns	Guy	Norman	Varner
Burton	Hall	Odom	Walker
Byars	Hampton	Patterson	Wall
Calloway	Hatter	Rountree	Walton
Cato	Hawkins	Rutherford	Ware
Christian	Henley	St. John	Mrs. Wilkins
Cook	Holcombe	Sanders (Conecuh)	Williams
Deloney	Hornsby	Smith (Clay)	Wyatt
Dowdle	Kilborn	Smith (Jefferson)	Young
Dunwoody			

—65

H. 302. To alter and rearrange the boundary lines of the city of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Hampton	Melton	Sollie
Adams	Hatter	Mooneyham	Stewart (Bibb)
Adcock	Howard	Moorer	Stewart (Calhoun)
Allen	Howze	Moxley	Thompson (Etowah)
Arrington	Hubbard	Norman	Thompson (Jackson)
Burns	Jeter	Odom	Tiller
Fanning	Jones	Parker	Tunstall
Ferrell	Kilborn	Patterson	Varner
Fite	Kilpatrick	Rountree	Walker
Forman	Lee	Rutherford	Wall
Gaines	LeMaistre	St. John	Walton
Glenn	Letson	Sanders (Conecuh)	Ware
Glover	Long	Smith (Clay)	Mrs. Wilkins
Graves	Love	Smith (Jefferson)	Williams
Grove	Luck	Smith (Lee)	Wyatt
Guy	McGowen	Snodgrass	Young
Hall			

—65

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the town of Brighton, Alabama;" approved September 29, 1919.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howze	Parker
Allen	Embry	Hubbard	Patterson
Arrington	Forman	Jeter	Pickens
Ashcraft (Lauder's)	Gaines	Jones	Poole
Bealle	Glenn	Kilborn	Powell
Blackwell	Glover	Kilpatrick	Ringer
Bowen, Lewis	Graves	Lee	Rives
Bowen, L. K.	Grove	LeMaistre	Rountree
Boykin	Hall	Letson	Smith (Jefferson)
Burns	Hampton	Love	Varner
Byars	Hatter	Luck	Walker
Calloway	Henley	McGowen	Wall
Cato	Henson	Melton	Walton
Cook	Hodgson	Moorer	Ware
Deloney	Holcombe	Moxley	Wyatt
Dickinson	Howard	Norman	Young
Dunwoody			

—65

H. 382. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than Eighty Thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal Census or any succeeding Federal Census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Sollie
Adams	Glover	Moxley	Stewart (Bibb)
Adcock	Goode	Nichols	Stewart (Calhoun)
Allen	Goodwyn	Norman	Thompson (Etowah)
Arrington	Graves	Odom	Thompson (Jackson)
Burton	Grove	Parker	Tiller
Byars	Henley	Patterson	Tunstall
Calloway	Henson	Pickens	Varner
Cato	Hodgson	Rives	Walker
Christian	Holcombe	Rountree	Wall
Cook	Hornsby	Rutherford	Walton
Deloney	Howard	St. John	Ware
Dickinson	Howze	Sanders (Conecuh)	Mrs. Wilkins
Dunwoody	Hubbard	Smith (Clay)	Williams
Embry	Jeter	Smith (Jefferson)	Wyatt
Fanning	Jones	Smith (Lee)	Young
Ferrell			

—65

H. 357. To provide an official court reporter for the Bessemer division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Guy	McGowen	Smith (Lee)
Adcock	Hampton	Mooneyham	Sollie
Allen	Hatter	Moorer	Stewart (Bibb)
Arrington	Henley	Moxley	Stewart (Calhoun)
Bowen, Lewis	Hodgson	Norman	Thompson (Etowah)
Bowen, L. K.	Holcombe	Odom	Thompson (Jackson)
Cato	Howard	Parker	Tiller
Cook	Howze	Pickens	Tunstall
Deloney	Hubbard	Poole	Varner
Dowdle	Jeter	Ringer	Walker
Embry	Kilborn	Rives	Wall
Fite	Lee	Rountree	Walton
Gaines	LeMaistre	Rutherford	Mrs. Wilkins
Glenn	Letson	Sanders (Conecuh)	Williams
Glover	Love	Smith (Clay)	Wyatt
Graves	Luck	Smith (Jefferson)	Young
Grove			

—65

H. 375. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burton	Dunwoody	Grove
Adams	Byars	Elliott	Guy
Allen	Calloway	Embry	Hall
Arrington	Cato	Fanning	Hornsby
Ashcraft (Lauderd'e)	Christian	Ferrell	Howard
Bealle	Coleman	Fite	Howze
Blackwell	Cook	Forman	Hubbard
Bowen, Lewis	Culver	Gaines	Jeter
Bowen, L. K.	Deloney	Glenn	Jones
Boykin	Dickinson	Glover	Kilborn
Burns	Dowdle	Graves	LeMaistre

Letson	Moorer	Rountree	Stewart (Bibb)
Love	Moxley	Rutherford	Stewart (Calhoun)
Luck	Norman	Smith (Clay)	Thompson (Jackson)
McGowen	Odom	Smith (Lee)	Tiller
Melton	Rives	Sollie	Tunstall
Mooneyham			

—65

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her named placed on the Confederate pension roll.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Rives
Allen	Glenn	Kilborn	Rountree
Bealle	Glover	Lee	Rutherford
Bowen, Lewis	Graves	LeMaistre	Sanders (Conecuh)
Boykin	Grove	Love	Smith (Jefferson)
Burns	Guy	Luck	Smith (Lee)
Byars	Hall	McGowen	Stewart (Bibb)
Calloway	Hatter	Melton	Stewart (Calhoun)
Cato	Hawkins	Moorer	Tiller
Christian	Henson	Moxley	Tunstall
Cook	Hodgson	Norman	Varner
Deloney	Hornsby	Odom	Walker
Dunwoody	Howard	Parker	Wall
Elliott	Howze	Patterson	Walton
Embry	Hubbard	Powell	Mrs. Wilkins
Fanning	Jeter	Ringer	Young
Fite			

—65

COMMUNICATION READ.

The following communication was read and ordered spread upon the Journal:

Troy, Ala., August 7, 1923.

The Honorable House of Representatives of Alabama,
Montgomery, Alabama.

Pike County Farm Bureau unanimously endorse Agricultural Code Bill. Pike County Farm Bureau. J. M. Sanders, President; T. V. Ballard, Secretary.

ADJOURNMENT.

Under a resolution heretofore adopted the House adjourned until 10 o'clock A. M., Thursday, August 9th.

THIRTIETH DAY.

House of Representatives,
Thursday, August 9th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Mr. L. K. Bowen, member of the House from Jefferson county.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Fanning	Kilborn	Rutherford
Adams	Ferrell	Kilpatrick	St. John
Adcock	Fite	Lee	Sanders (Conecuh)
Allen	Forman	LeMaistre	Sanders (Pike)
Arrington	Gaines	Letson	Smith (Clay)
Ashcraft (Fayette)	Glenn	Long	Smith (Jefferson)
Ashcraft (Lauderd'e)	Glover	Love	Smith (Lee)
Bealle	Goode	Luck	Snodgrass
Blackwell	Goodwyn	McDaniel	Sollie
Bowen, Lewis	Graves	McGowen	Stewart (Bibb)
Bowen, L. K.	Grove	Melton	Stewart (Calhoun)
Boykin	Guy	Mooneyham	Thompson (Etowah)
Burns	Hall	Moorer	Thompson (Jackson)
Burton	Hampton	Moxley	Tiller
Byars	Hatter	Nichols	Tunstall
Calloway	Hawkins	Norman	Tyson
Cato	Henley	Odom	Varner
Christian	Henson	Parker	Walker
Coleman	Hodgson	Patterson	Wall
Cook	Holcombe	Pickens	Walton
Deloney	Hornsby	Poole	Ware
Dickinson	Howard	Posey	Mrs. Wilkins
Dowdle	Howze	Powell	Williams
Dunwoody	Hubbard	Ringer	Wyatt
Elliott	Jeter	Rives	Young
Embry	Jones	Rountree	

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Twenty-Ninth Legislative Day and finds same correct.

Oakley W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the 29th Legislative Day was approved.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit :

H. 6. To provide for the election of a County Superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Also :

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the probate judge of Walker county, Alabama, for acting as judge of and doing the work of the judge of the county court of Walker county, Alabama.

Also :

H. 405. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Also :

H. 354. To provide for the division of Henry county, Alabama, into four commissioners' districts, to define the boundary lines of such districts by showing the beats composing each of such districts; to provide for the election of one commissioner from each of such districts; to fix their terms of office and prescribe their duties under this act and as otherwise provided by law; to fix the date for election of such commissioners; to require such commissioners, including the present court of county commissioners, to furnish bond; and to further define and prescribe the duties and powers of said court of county commissioners.

Also :

H. 353. To require the court of county commissioners of Henry county, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Also:

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

Also:

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Also:

H. 50. To abolish the County Court of Autauga County.

Also:

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston county, Alabama.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

S. 165. To provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Also:

By Mr. Hutson:

S. 264. To amend section 14 of an Act entitled, "An Act to amend sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain

prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Also:

By Mr. Randall:

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Also:

By Mr. Hutson:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

Also:

By Mr. Hutson:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

With notice and proof thereto attached and herewith exhibited, as follows:

Be introduced a bill at the next Legislature of Alabama, substantially as follows:

A bill to be entitled an Act to amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

Section 6 shall be amended so as to read as follows:

"That the Deputy Solicitor of Morgan County shall be solicitor of Morgan County court and shall hold office until the second Tuesday after the first Monday in January, 1923, and until his successor is elected and qualified, and shall prosecute for the State all causes in said court, and for so doing he shall receive a salary of One Thousand Eight Hundred Dollars (\$1,800.00) per year, payable One Hundred and Fifty Dollars (\$150.00) per month, out of the County treasury at the end of each month, his signed receipt being required. Provided, further, that all solicitors' fees taxed and collected in said court shall be paid into the general fund of Morgan

County, and the salary of said Solicitor shall begin upon the approval of this act; and at the general election in 1922 and every four years thereafter there shall be elected a solicitor for said Morgan County Court by the qualified electors of Morgan County, who shall take office at the expiration of the term of the present Deputy Solicitor, and every four years thereafter."

Section 9 shall be amended so as to read as follows:

"The judge of said court may determine and fix the time for holding the sessions of said court; for the trial of all cases, both civil and criminal; provided, however, that all civil the criminal cases, both cases to be tried by a jury and those cases in which no jury has been demanded, shall be called for trial at least once every thirty days until said cases are disposed of."

Section 15 shall be amended so as to read as follows:

"That all actions of ejectment, forcible entry and unlawful detainer, and all other civil cases are to be tried by the court without the intervention of a jury unless at the time of filing the suit, plaintiff shall indorse upon the summons and complaint a demand for a jury trial, or that the defendant at the time of filing the first pleadings in the case or at the time of making his appearance, shall demand a trial by jury; provided, however, that all cases involving less than twenty Dollars (\$20.00) shall be tried by the court without intervention of a jury, and provided further, that all criminal cases shall be tried without the intervention of a jury unless a jury is demanded as provided in Section 15½ hereof; or unless a demand for jury is indorsed upon the bond at the time of making of the same.

Said act to be amended by adding Section 15½, as follows:

"That in all criminal cases the defendant shall be required to appear before the court the first Saturday in the month succeeding the month in which he is arrested, at which time his case must be called and the defendant required to plead; and all pleadings except the plea of not guilty, shall be disposed of then and there; and in event a plea of not guilty is entered, the judge shall thereupon set his case for trial upon a day certain and notify the defendant then and there the day upon which his case shall be called for trial; provided that upon the appearance of the defendant as provided in this section, and upon his entering a plea of not guilty, he may then and there demand a trial by jury; and in event a trial by jury is demanded the case must be set for trial at some week not more than thirty days thereafter, at which a jury for said court shall be empanelled; and in case no jury is demanded, then said case must be set for some time, within 30 days when no jury is empanelled to be tried by the court without the intervention of a jury.

Section 16 shall be amended so as to read as follows:

"That in all actions of ejectment, forcible entry, unlawful detainer, and trial for the right of property, and in all civil cases where the amount involved exceeds one hundred (\$100.00) dollars, the defendants therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty (20) days after the service of such summons and complaint upon them; and in all cases commenced by attachment, the defendants shall appear and demur or plead within twenty (20) days after the levy of the attachment, or service of notice thereof; or, in cases where the suit is brought against non-residents, or other persons upon whom service is had by publication, within twenty (20) days after perfection of such service by publication, and in all other cases, the defendants must appear and plead within five (5) days after service upon them; and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing to appear after service upon him has

been perfected, or notice given him as herein required, shall be held to be in default, and at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided, that the court may, for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed, on such terms as the court may think best; provided, however, that in all cases where judgment by default has been rendered against the defendant, the plaintiff may execute a writ of inquiry before the court without the intervention of a jury, and have final judgment rendered thereon."

Section 17 shall be amended so as to read as follows:

"That this court shall have exclusive jurisdiction of all cases appealed from justice of the peace, and all other inferior courts of Morgan County, and all cases appealed from the Mayors courts, and all original mesne processes, writs, notices, etc., shall be executed instantler, to be returnable immediately upon the execution thereof by the officer receiving the same; and all cases so appealed shall stand for trial at any time after five (5) days notice of the suing out of such appeal to the adverse party, the notice to be given as now required by law."

Section 23 shall be amended so as to read as follows:

"Said court shall have jurisdiction in civil cases in all matters where the amount involved does not exceed two thousand (\$2,000.00) dollars, and in all actions of ejectment, and original jurisdiction in actions of forcible entry and unlawful detainer, and trial for the right of property irrespective of the amount involved, or the value of the property, provided, that in actions of unlawful detainer, the defendant may, within the time allowed for pleading, file an affidavit, and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment."

Section 40 shall be amended so as to read as follows:

"That all jurors from this court and the branch herein created, shall be summoned from the entire county, that the venire for said court shall consist of twenty-four (24) jurors drawn as provided by law for the drawing of jurors in the Circuit Court; provided, however, that in all civil cases the judge of said court may require the parties to select a jury from eighteen (18) or more qualified jurors, as now provided by law for the selection of juries. It being the true meaning and intent of this act that the judge may, in civil cases, limit the number of challenges to three to each side; and in all criminal cases the judge of said court may require the selection of a jury from eighteen (18) qualified jurors as is now provided by law for the selection of juries in misdemeanor cases."

M. Hutson.

State of Alabama, }
Morgan County. }

Before me, Leda L. Brown, a Notary Public in and for said State and County, personally appeared W. R. Shelton, who being by me first duly sworn, deposes and says as follows:

That he is now and has been for more than six months last past the editor and publisher of the Albany-Decatur Daily, a newspaper published at Albany, in Morgan County, Alabama.

That the notice hereto attached and which is hereby referred to and made a part of this affidavit was published in said newspaper in its daily issues of June 25, 1923, July 2, 1923, July 9, 1923 and July 16, 1923.

W. R. Shelton.

Sworn to and subscribed before me this the 18th day of July, 1923.

Leda L. Brown.

Notary Public.

Also:

By Mr. Teasley:

S. 131. To amend Sec. 3531 of the Code of Alabama of 1907 as amended by an act of the Legislature approved Oct. 5, 1920.

Also:

By Mr. Teasley:

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

Also:

By Mr. Brooks:

S. 178. To amend Section 6918 of the Code of 1907.

Also:

By Mr. Craft:

S. 202. To provide for the reimbursement out of the County Treasury or County Depository for the reasonable expenses incurred by members of the Board of County Commissioners, Board of Revenue and Road Commissioners, or by whatever name said board may be known, in Counties having a population of not less than 95,000 nor over 200,000 for their reasonable traveling expenses within the State of Alabama, when such trip is made for the benefit, or in the interest of the public roads or bridges of their county, and when such trip is taken in pursuance of a resolution adopted by said board while in session and which is made a part of the minutes of such board.

Also:

By Mr. Hutson:

S. 272. To amend Section 1074 of the Code of Alabama.

Also:

By Mr. Craft:

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Notice is hereby given that, at the adjourned session of the Legislature of the State of Alabama to be held in the city of Montgomery, commencing on July 10, 1923, a bill will be introduced to amend Act of the General Assembly of Alabama, approved February 15, 1876, and entitled "An Act to Regulate Public Schools in the County of Mobile," by amendment of section 7 thereof so as to relieve the county superintendent of education from the duty of collecting and disbursing the revenue of the board of school commissioners of Mobile county; and by adding a new section to the said Act, which new section will empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and his salary; and which new section will also prescribe the duties of the said treasurer and will require him to execute a bond for the faithful performance thereof.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and county, this day personally appeared W. M. Fincher, who is known to me and who being by me first duly sworn deposes and says that he is secretary-treasurer of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of bill to relieve county superintendent of education from collecting and disbursing the revenue of the board of school commissioners of Mobile county appeared in the said Mobile Register once a week for four consecutive weeks, to-wit: in the issues of June 30th, July 2nd, 9th and 16th, 1923.

W. M. Fincher,
Secretary and Treasurer.

Subscribed and sworn to before me on this the 16th day of July, 1923.

Nettie Chandler,

Notary Public Mobile County, Alabama.

(Seal)

Also:

By Mr. Tunstall:

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Also:

By Mr. Inzer:

S. 328. To amend Act number 679, approved September 30th, 1919, entitled "An Act to secure to persons the right of way over lands of other persons."

Also:

By Mr. Tunstall:

S. 330. To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Also:

By Mr. Hutson:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the de-

positor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Public Health, S. 165.

Banking and Insurance, S. 264, S. 263.

Education, S. 269, S. 252.

Municipal Organization, S. 295, S. 272.

Local Legislation, S. 296.

Ways, Means and Appropriations, S. 131, S. 149.

Judiciary, S. 178, S. 202, S. 311, S. 330.

Revision of Laws, S. 328.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 407. To establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties and compensation, to provide for the jurisdiction, practice and procedure of said court, to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Also:

H. 463. To amend an Act "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson county."

Also:

H. 479. To divide Tallapoosa county, Alabama, into five commissioners' districts and provide for the election of the commissioners from each of said districts.

Also:

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her named placed on the Confederate pension roll.

Also:

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highway, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the southwest quarter of the southeast quarter of section five (5), township eighteen (18), south, range two (2), west, in Jefferson county, Alabama, described as follows: Commence at or near the southeast corner of said southwest quarter of the southeast quarter of section five (5) at the intersection of said highway, roadway or passageway with the Montevallo road and extend thence west along or near the southern boundary line of said southwest quarter of the southeast quarter of section five (5) to the western boundary line, or to an extension thereof to the south, of said southwest quarter of the southeast quarter of section five (5).

Also:

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the town of Brighton, Alabama;" approved September 29, 1919.

Also:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Also:

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State treasury of the sum of five hundred dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

Also:

H. 302. To alter and rearrange the boundary lines of the city of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Also:

H. 348. To vacate and annul a portion of Railroad street in the town of Red Level, Alabama.

Also:

H. 357. To provide an official court reporter for the Bessemer division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per

diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

Also:

H. 402. To provide for the payment of an expense account for the solicitor of the fourteenth judicial circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Also:

H. 375. To provide that money, property or anything of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Also:

H. 382. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than Eighty Thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal Census or any succeeding Federal Census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Also:

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this act.

Also:

H. 220. To provide for the care, upkeep, custody and management of the building and grounds opposite the Capitol grounds and known as the first White House of the Confederacy, and to make appropriation therefor.

Lee Glenn,
Chairman.

The report of the Committee was concurred in and adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committee as follows:

By Mr. Stewart of Bibb:

H. 628. To require all county officers who receive or distribute county funds or moneys to make quarterly reports to the Court of County Commissioners, Boards of Revenue, or other governing body of the county.

Revision of Laws.

By Mr. Deloney (with notice and proof) :

H. 629. To close and abandon a portion of Eleventh Avenue in the City of Sheffield in the County of Colbert and the State of Alabama.

Local Legislation.

Notice and proof H. 629:

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF LOCAL LAW.

Notice is hereby given that at the approaching session of the Legislature of Alabama, application will be made for the passage of the following bill:

An Act "To close and abandon a portion of Eleventh Avenue in the City of Sheffield in the County of Colbert and State of Alabama:

Be it enacted by the Legislature of Alabama:

Section 1—That all of Eleventh Avenue in the City of Sheffield, County of Colbert, and State of Alabama between Thirty-first Street and the old city limits of the City of Sheffield as shown by the map and plat of said city prepared by J. J. Treveres, C. E., and filed for record in the office of the Probate Judge of Colbert County, Alabama, between blocks 261 and 285 be, and the same is hereby abandoned and closed as a street in the City of Sheffield.

2—Be it further enacted that all laws or parts of laws in conflict with this Act be and same are hereby repealed."

State of Alabama, }
Colbert County. }

Before me, Ralph O. Newsom, a Notary Public in and for said County in said State, personally appeared Wilmer T. Goodloe, who being by me first duly sworn, deposes and says on oath, that he is the joint owner, and is the publisher of The Sheffield Standard, a newspaper published in Colbert County, Alabama, and of general circulation in Colbert County, Alabama, and that the foregoing notice was published in The Sheffield Standard for four consecutive weeks, viz: On June 29th, 1923; July 6th, 1923; July 13th, 1923, and July 20th, 1923.

Wilmer T. Goodloe.

Sworn to and subscribed before me, this 21st day of July, 1923.

(Seal)

Ralph O. Newsom,
Notary Public, Colbert County, Alabama.

By Mr. Deloney (with notice and proof) :

H. 630. To close and abandon certain described portions of streets, avenues and alleys in the City of Sheffield and County of Colbert.

Local Legislation.

Notice and proof H. 630:

NOTICE OF INTENTION TO APPLY FOR PASSAGE OF LOCAL LAW.

Notice is hereby given that at the present session of the Legislature of Alabama, application will be made for the passage of the following bill:

"An act to close and abandon certain described portions of streets, avenues and alleys in the City of Sheffield and County of Colbert:

Be it enacted by the Legislature of Alabama:

Section 1—That all of the parts of the streets, avenues and alleys designated according to the J. J. Treveres Map of the City of Sheffield, Alabama as recorded in the office of the Probate Judge of Colbert County, Alabama, described as follows:

Be, and the same are hereby abandoned and closed as streets, avenues and alleys of the City of Sheffield:

All that part of 22nd Avenue which lies between the east line of block 550B (if extended across said 22nd Avenue) and the west right-of-way line of the railroad running along or near the north line of blocks 555 and 578; that part of 15th street lying between blocks 614 and 615; that part of 16th street lying between blocks 615 and 616; that part of 24th avenue lying between the western margin of block 601 projected across said avenue, and the western margin of block 614 projected across said avenue.

Section 2—Be it further enacted that all laws or parts of law in conflict with this Act be, and the same are hereby repealed."

State of Alabama, }
Colbert County. }

Before me, Ralph O. Newsom, a Notary Public in and for said County in said State, personally appeared Wilmer T. Goodloe, who being by me first duly sworn, deposes and says on oath, that he is the joint owner and is the publisher of the Sheffield Standard, a newspaper published in Colbert County, Alabama, and that the foregoing notice was published in the Sheffield Standard for four consecutive weeks, viz: July 13th, 1923; July 20th, 1923; July 27th, 1923, and August 3rd, 1923.

Wilmer T. Goodloe.

Sworn to and subscribed before me, this 4th day of August, 1923.

Ralph O. Newsom,

Notary Public, Colbert County, Alabama.

By Mr. Parker:

H. 631. To provide for the registration of electors.
Privileges and Elections.

By Mr. Thompson of Jackson:

H. 632. To authorize and make lawful the garnishment of all officers and employees of the State, several counties and municipalities of the State of Alabama.

Judiciary.

By Mr. Snodgrass (By request):

H. 633. To regulate the fees of Registers of the Circuit Courts in Equity in certain cases.

Revision of Laws.

By Mr. Rives:

H. 634. To fix the compensation of Deputy Clerks of the Circuit Court, holding office and performing the duties of Circuit Court Clerks at any place other than the County site of such county, of all counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent Federal census.

Judiciary.

By Mr. Howze:

H. 635. To require boards of revenue and courts of county commissioners in all counties of the State having a population of two hundred thousand or more according to the last or any subsequent Federal census, to pay over, in addition to any moneys now required to be paid to municipalities, each year to each municipality therein, an amount equal to one-sixth of the ad valorem taxes collected by the county on property located in such municipality, exclusive of school taxes, and exclusive of taxes levied under Subdivision (a) of Section 215 of the Constitution.

Local Legislation.

By Mr. Howze:

H. 636. To repeal Section 1491 of the Code of Alabama of 1907, and to dissolve all liens created thereby.

Judiciary.

By Mr. Howze:

H. 637. To amend Section 3837 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Howze:

H. 638. To provide for the organization, regulation and extension of institutions for savings and credit facilities to be termed "Co-operative Credit Associations," and to define their powers.

Corporations.

By Mr. Lewis Bowen:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreational board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

Municipal Organizations.

By Mr. Smith of Lee:

H. 640. To require the recording of contracts of consignment, sales on consignment and consignments of personal property so as to make the same valid as to mortgages, judgment creditors and bona fide purchasers without notice.

Judiciary.

By Mr. Kilborn:

H. 641. For the relief of the creditors of the Alabama Oyster Commission.

Ways, Means and Appropriations.

By Mr. Holcombe:

H. 642. To prescribe the duties of sheriffs as to Inferior Criminal Courts and to fix the compensation of sheriffs for executing process out of inferior criminal courts and for other services rendered in or to such courts, in all counties having a population of over eighty thousand according to the last Federal census or which may hereafter have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, and to provide the method of the payment thereof, and to repeal all laws, and parts of laws, general, local, private and special in conflict herewith.

Local Legislation.

By Mr. Holcombe:

H. 643. To regulate the carrying, ownership and possession of weapons in this State and to provide for the condemnation and forfeiture of weapons unlawfully carried, owned or possessed, and for the registration of all fire arms.

Judiciary.

By Mr. Goodwyn (with notice and proof):

H. 644. To change and extend the City Limits of the City of Montgomery, Alabama, as follows: Commencing at a point at the center of South Court Street, 350 feet South of the South line of Felder Avenue, thence North 75 feet, more or less, to a point opposite the center of Norwood Street, thence West along the center line of Norwood Street, extended and continuing Westward to the center of Goode Street, thence South along the center of Goode Street, 796 feet, thence East 612 feet, thence North 135 feet, thence East 336 feet, to the Southwest corner of the property of Arthur Pelzer, thence North 282 feet, more or less, to the South side of a fifty foot street lying on the North side of said Pelzer property, thence East along the South side of said street 300 feet, to the center of South Court Street, thence North along the center of South Court Street, to the point of beginning.

Local Legislation.

Notice and proof H. 644:

NOTICE.

The undersigned hereby gives notice of intention to apply to the Legislature of Alabama, at its present session, for the passage of an act to change and extend the city limits of the city of Montgomery, Alabama, as follows:

Commencing at a point at the center of South Court street 350 feet south of the south line of Felder avenue, thence north 75 feet, more or less, to a point opposite the center of Norwood street, thence west along the center line of Norwood street extended, and continuing westward to the center of Goode street, thence south along the center of Goode street 796 feet, thence east 612 feet, thence north 135 feet, thence east 336 feet, to the southwest corner of the property of Arthur Pelzer, thence north 282 feet, more or less, to the south side of a fifty foot street lying on the north side of said Pelzer property, thence east along the south side of said street 300 feet to the center of South Court street, thence north along the center of South Court street, to the point of beginning.

The City Board of Education of Montgomery, Alabama.

By L. C. Cardinal,
President.

State of Alabama, }
Montgomery County. }

Before me, T. A. Hardy, a Notary Public in and for said State and County, personally appeared P. W. Walsh who being by me duly sworn, deposes and says that he is Advertising Manager for The Advertiser Company, publishers of The Montgomery Advertiser, and the advertising of Board of Education of City of Montgomery, Alabama appeared in said publication on the following dates: July 17, 24, 31, August 7, 1923.

P. W. Walsh.

Sworn to and subscribed before me this 7th day of August, 1923.

(Seal)

T. A. Hardy,
Notary Public.

By Mr. Forman (with notice and proof) :

H. 645. To provide for the working of county convicts on the public roads of Morgan County, Alabama, to provide penalty to be insubordinate or to attempt to escape and to provide how convicts shall be released and to authorize the Road Superintendent of Morgan County to lease convicts of other counties.

Local Legislation.

Notice and proof H. 645:

Take notice that there will be introduced a bill at the next Legislature of Alabama, substantially as follows:

A bill to be entitled an Act to provide for the working of County convicts on the public roads of Morgan County, Alabama. To provide penalty to be insubordinate or to attempt to escape and to provide how convicts shall be released and to authorize the Road Superintendent of Morgan County to lease convicts of other counties.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the approval of this Act, the convicts of Morgan County, Alabama, shall be worked upon the public roads of Morgan County.

Section 2. It is hereby made a felony for any convict sentenced to work upon the public roads of Morgan County, Alabama, to escape or attempt to escape, or to be insubordinate to those under whom he is sentenced to work, or to be insubordinate to a foreman under whom he is working, or to willfully perform his work insufficiently.

Section 3. It is made the duty of the Superintendent of Roads to review each convict sentenced to work upon the public roads, and instruct said convict as to the law, making it a felony for him to attempt to escape, or to be insubordinate, or to inefficiently perform his labor. And at the ex-

piration of the time for which said convict is sentenced to the roads, the Superintendent of Roads shall give such convict a certificate as to whether he has efficiently performed his labor, whether he has been insubordinate, or has attempted to escape, and deliver such convict to the custody of the Sheriff of Morgan County, and if the certificate shows that such convict has not been insubordinate, has not attempted to escape, and has efficiently performed his labor, he shall be discharged; otherwise he shall be held by the Sheriff to await the action of the Grand Jury of Morgan County, Alabama. Sec. 5. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 4. It shall be lawful for the Road Superintendent of Morgan County to contract with any other County for its convicts.

James A. Forman.

State of Alabama, }
County of Morgan. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is published of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates June 28th, July 5th, July 12th, and July 19th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this July 28th, 1923.
(Seal)

Italyne Hardwick,
Notary Public.

By Mr. Forman (with notice and proof) :

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan County, Alabama, so as to create a Superintendent of Roads for Morgan County, Alabama, to be known as the Road Superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan County; to prescribe and define his powers and duties as such Road Superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the Superintendent to take charge of all public road tools and machinery belonging to the County; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the County; to authorize the Superintendent of Roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries; to fix penalties for the violation of this Act; to provide for the election and the term of office of the Road Superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the Road Superintendent by the Grand Jury of Morgan Coun-

ty; to provide for the keeping of the Road Superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the Road Superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

Local Legislation.

Notice and proof H. 646:

Take notice that there will be introduced a bill at the next Legislature of Alabama, substantially as follows:

A bill to be entitled an Act to create a Superintendent of Roads for Morgan County, Alabama, to be known as the Road Superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete and unlimited jurisdiction over the public roads, bridges and ferries in Morgan County; to prescribe and define his powers and duties as such Road Superintendent and repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for levying of certain taxes for the benefit of the public roads; to authorize the Superintendent to take charge of all public road tools and machinery belonging to the county; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the county; to authorize Superintendent of Roads to exercise all the legislature, judicial and executive authority over the public roads, bridges and ferries; to fix penalties for the violation of this act; to provide for the election and the term of office of the Road Superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all of the acts of the Road Superintendent by the Grand Jury of Morgan County; and provide for the keeping of the Road Superintendent's account; to provide for the exercise of the right of eminent domain; and for the employment of road overseers; to fix the salary of the Road Superintendent; and the beat supervisors; to provide penalties for the failure to work upon the public roads and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery and the location and operation of the same.

James A. Forman.

State of Alabama, }
County of Morgan. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates June 28th, July 5th, July 12th, and July 19th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this July 28th, 1923.

(Seal)

Italyne Hardwick,
Notary Public.

By Mr. Sollie:

H. 647. To constitute the several municipal corporations in the State of Alabama the agents of said State, and to authorize, empower, and direct said municipal corporations to supervise, inspect and regulate, in the public interest, the construction, maintenance and operation of public utilities, and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses, and contracts; within the limits of their respective municipalities; and to provide for the apportionment and distribution of supervision and inspection fees paid by utilities to the State; and to provide for the enforcement of all measures regulating the construction, maintenance, operation, service, rules, regulations, practices, fares, rates, and charges; facilities, plants, franchises, licenses and contracts; financing and securities of public utilities within the corporate limits of the several municipalities.

Municipal Organization.

By Mr. Holcombe:

H. 648. A bill to be entitled an Act to propose to amend Section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That it is proposed to amend Section 194½ of the Constitution of Alabama and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature at which this amendment is proposed.

It is proposed that Section 194½ of the Constitution of the State of Alabama be amended so as to read as follows:

Section 194½. No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judge of Probate shall issue certificates of exemption from the payment of such poll taxes

to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following:

"Shall the following proposed amended Section 194 $\frac{1}{2}$ of the Constitution of Alabama be adopted?"

"No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judges of Probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor."

"Yes"

"No"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama.

The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill was read one time at length and referred to the Standing Committee on Judiciary.

BILLS ON SECOND READING.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 588. To amend Sections 1313 and 1315 of the Code of 1907.

H. 489. To amend Subdivision two of Section 4505 of the Code of Alabama of 1907.

H. 619. To authorize the expenditure by the authorities lawfully authorized to receive and expend same, of the proceeds of bonds issued or to be issued by a municipal corporation for the purchase of real estate necessary for the site of a public high school, and buildings to be used in connection therewith, and to erect thereon said public high school and buildings to be used in connection therewith, and to equip and furnish the same at any place within the corporate limits of said municipality at the time of such expenditure, though not in the city limits at the time of the election authorizing such bond issue and though the ballot provided or provides for the expenditure of the proceeds of such bond issue in the limits of said municipal corporation.

S. 177. To further regulate the procedure in the circuit courts with respect to motions to set aside judgments or decrees and for new trials.

S. 164. To provide for the institution and prosecution of misdemeanors in the County Court of Morgan County otherwise than by indictment by the Grand Jury, or by affidavit made before the Judge of said Court.

Mr. St. John, Acting Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 338. To create the office of Supernumerary Judge for the State of Alabama, to define his duties and jurisdiction, to provide for the holding of Courts in the various counties of the State by the said Supernumerary Judge, to provide for the election of said Judge, to fix his term of office and to provide for his salary and actual expenses.

H. 468. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide

for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

H. 514. To create the office of First Assistant Clerk and Ex-officio Judge of the Jefferson County Court of Misdemeanors of Jefferson County, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

H. 600. Defining the crime of criminal syndicalism and prescribing punishment therefor.

H. 614. To fix and regulate the compensation of the Deputy Circuit Clerk of the criminal division of the Circuit Court in all counties of the state having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

S. 284. To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorder's court.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 534. To provide for the relief of W. H. Slaughter, of Baldwin County, Alabama.

H. 554. To repeal an act entitled "An Act to prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipalities," approved September 29th, 1919.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 565 (with amendment). To make appropriations for the maintenance of the summer quarters of the State Normal Schools for white teachers located at Florence, Jacksonville, Livingston and Troy, and of the State Normal School for Negroes, located at Montgomery.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and

ordered same returned to the House with a favorable report with substitute:

H. 547 (with substitute). To provide for the relief of the Scottenn Coal, Inc., and to authorize the payment to it by the State Treasurer of the sum of \$70.47, the same having been heretofore erroneously collected by the State Tax Commission as Franchise Taxes for the year 1921.

H. 465 (with substitute). To amend Section 4½ of a bill "To provide for the general revenue of the State of Alabama," approved Sept. 15, 1919 so as to read as follows:

H. 501 (with substitute). To provide for the establishing, control and operation and support of a State Secondary Agricultural School and experiment station at Cuba, in Sumter County, Alabama, in the 6th Congressional District of Alabama.

H. 518 (with substitute). To establish a State Secondary Agricultural School for the Ninth (9th) Congressional District of Alabama; to provide for the erection and maintenance thereof, and to specify the location.

Mrs. Wilkins, Acting Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 481. To authorize boards of revenue or courts of county commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Mrs. Wilkins, Acting Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 605 (with amendment). To authorize County Boards of Education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 255. To declare a certain portion of Eighth (8th) Street in the City of Florala, Alabama, according to Garrett's Map of Florala shall, upon the passage and approval of this Act, cease to be a public street, and authorize B. H. Meadows, his heirs and assigns, to perpetually use and occupy said portion of said street and vesting the title to same in the said B. H. Meadows.

H. 579. To provide for the abolishment of the Barbour County County Court; to provide for the disposition of pending cases; to abolish the office of solicitor of the Barbour County Court; to abolish the office of Judge of the Barbour County Court.

H. 626. To authorize, empower and require the Commissioners Court, Board of Revenue, or other Court of like jurisdiction of Shelby County, Alabama, to pay to the Sheriff of Shelby County, out of the funds of the County Treasury of said County, the sum of Ten Dollars for each still or device captured, destroyed or confiscated in said County made, or used for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the County Treasury of Shelby County on the presentation of claim by the Sheriff of Shelby County having attached to the same an Affidavit of said Sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same.

Said payment to be made by warrant drawn against the County Treasury by the Commissioners Court, Board of Revenue or other Court of like jurisdiction, said warrant to be a preferred claim against the Treasury of said County.

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 599. To provide for the construction, maintenance and repair of public roads, highways and bridges by the use of state convicts.

H. 611. To further provide for the regulation of motor vehicles operating upon the public highways of this State and to provide penalties for the violation of the provisions of the act.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 313. To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

H. 314. To define maternity hospitals and to provide for the licensing, regulation and supervision of such hospitals.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 591. To provide for the submission to the voters of all cities in this State, which now have or which may hereafter have a population of one hundred fifty thousand or more, according to the last or any succeeding Federal census, the question whether such cities shall be governed under the Mayor-Council, the Council-Manager, or the Commission form of municipal government; to describe, define, and provide for each of said forms of municipal government; to provide for the election and selection of the various officers to be elected and selected under each of said forms of municipal government; to fix the powers, duties, and compensation of such officers; to provide penalties for corrupt practices and other improper conduct in connection with the election of said officers and in connection with any other elections held under this Act; to provide penalties for other violations of the provisions of this Act; to advance the general welfare of all such cities; and otherwise to provide for the creation, conduct, operation and maintenance of each of said forms of government; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Mr. Holcombe, Chairman of the Standing Committee on Rivers and Harbors, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 523 (with substitute). To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by

appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agency; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

BILLS REPORTED ADVERSELY.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 625. To remove the disabilities of non-age.

Mr. St. John, Acting Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 495. To prohibit any person from hiring or renting an automobile with intent to convert same to his own use providing punishment therefor; and providing that the removal of same be prima facie evidence of intent to convert at the time of the hiring or renting.

H. 586. To confer jurisdiction upon justices of the peace to try offenses arising under orders or regulations of courts of

county commissioners or other governing bodies of counties regulating the use of the public roads and the running of vehicles over the same.

H. 597. To propose an amendment to Section 48 of the Constitution of 1901 of Alabama.

H. 616. To fix the compensation of the Clerk of the Probate Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

H. 606. To amend Sections 1 and 3 of an act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars," approved September 16, 1915 (General Acts of 1915, Page 589).

Mrs. Wilkins, Acting Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 366. To provide for the election of Boards of Education in municipalities in the State of Alabama with populations of one hundred thousand or more according to the Federal Census of 1920 or any subsequent Federal Census; to prescribe the times and manner for holding elections therefor; to prescribe the powers of such Boards of Education; to prescribe the terms of office of the members of such Boards of Education; and to provide for the repeal of conflicting laws or legislation.

Mr. Lewis Bowen, Chairman of the Standing Committee on Labor and Immigration, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 270. To safeguard life and property on the railroads of Alabama by requiring said railroads to use adequate crews on trains operated by them.

H. 263. To safeguard life and property on the railroads of Alabama by requiring said railroads to use adequate crews on trains operated by them.

Mr. Embry, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 19. To further provide for construction and maintenance of the public roads and bridges of Alabama now and hereafter

under jurisdiction of the several courts of county commissioners and other like governing bodies of their respective counties, by levy, collection and expending a gasoline tax, and to provide penalties for violations of this act, and to repeal all laws and parts of laws in conflict herewith.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 91. To provide for the council-manager form of government for all cities in Alabama which now have, or which may hereafter have, a population of one hundred thousand people, or more, according to the last Federal census, or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this act; to provide for the submission of the question of the adoption of the provisions of this act to the voters of such city at an election; to provide for the division of such city into wards; to provide for the election and selection of mayor, councilmen and city manager and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said officers, and other violations of the provisions of this act, and to otherwise provide for the creation, conduct and maintenance of said council-manager form of government, and to repeal all laws and parts of laws in conflict with the provisions of this act.

RECOMMITTAL OF BILL.

On motion of Mr. St. John, the bill,

H. 533. To propose an amendment to the Constitution of Alabama, authorizing the levy of taxes to pay the principal and interest of bonds of the State of Alabama and of counties, cities towns and other municipal corporations and political subdivisions and taxing districts therein.

Was recommitted to the Standing Committee on Judiciary.

NOTICE TO TAKE FROM ADVERSE CALENDAR.

Mr. Jeter gave notice that on the next Legislative Day that he would move to take H. 366 from the Adverse Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common car-

riers in exchange for space and advertisements in their newspapers.

Also:

S. 206. To amend Section 1 of an Act entitled an Act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Also:

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-establish by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Also:

S. 209. "To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing messages from the Senate.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 101. Resolved by the House, the Senate concurring, that out of respect to our late Honored President, the two Houses adjourn for Friday the 10th inst., and

Resolved further that when the two Houses adjourn today they adjourn to meet Tuesday, the 14th of August, 1923, at 2 o'clock P. M.

The rules were suspended and the resolution was adopted.

By Mr. Grove:

H. R. 102. Resolved by the House that H. B. 296 be made a special continuing paramount order for the 31st Legislative Day, immediately after reports of Standing Committees.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin, Chairman Rules Committee:

S. J. R. 115. Whereas, the President of the United States has by official proclamation set aside Friday, August 10th, as a day of mourning for the late President, Warren G. Harding.

Therefore be it resolved by the Senate of Alabama, the House of Representatives concurring, that, when both houses shall adjourn today, they stand adjourned until Monday at 2 o'clock P. M. on August 13th, 1923.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

I am instructed by the Senate to request the House to return to the Senate immediately the resolution:

S. J. R. 115. Relative to adjournment of the two Houses until Monday at 2:00 P. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House acceded to the request of the Senate and returned to the Senate S. J. R. No. 115.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has further considered and has against adopted the resolution:

S. J. R. 115. Relative to adjournment of the two Houses until Tuesday, August 14th, at 2:00 P. M.

And sends same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. No. 115.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the special order, which was the bill:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

Mr. Lewis Bowen moved to postpone further consideration of the bill H. 472 until the 32nd Legislative Day.

And on motion of Mr. Tunstall the motion of Mr. Lewis Bowen was laid upon the table.

And the bill,

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

Was read a third time at length and passed.

Yeas, 83; nays, 5.

Yeas:

Messrs:

Mr. Speaker	Fite	LeMaistre	Rutherford
Adams	Forman	Letson	St. John
Adcock	Gaines	Long	Sanders (Pike)
Allen	Glover	Love	Smith (Clay)
Ashcraft (Fayette)	Goode	Luck	Smith (Lee)
Ashcraft (Lauderd'e)	Goodwyn	McDaniel	Snodgrass
Bealle	Graves	McGowen	Sollie
Blackwell	Grove	Melton	Stewart (Bibb)
Bowen, L. K.	Guy	Mooneyham	Stewart (Calhoun)
Boykin	Hampton	Moorer	Thompson (Etowah)
Burns	Hatter	Moxley	Tiller
Burton	Hawkins	Normar	Tunstall
Calloway	Henson	Odum	Varner
Cato	Hodgson	Parker	Walker
Christian	Holcombe	Patterson	Wall
Coleman	Hornsby	Pickens	Walton
Cook	Howard	Poole	Ware
Dowdle	Howze	Posey	Mrs. Wilkins
Dunwoody	Jones	Powell	Williams
Fanning	Kilpatrick	Ringer	Wyatt
Ferrell	Lee	Rountree	

—83

Nays:

Messrs:

Bowen, Lewis	Kilborn	Rives	Thompson (Jackson)
Jeter			

—5

Mr. Tunstall moved to reconsider the vote by which the bill, H. 472, was passed and then moved to table his motion to reconsider and the motion to table prevailed.

And on motion of Mr. Tunstall the bill H. 472 was ordered sent forthwith to the Senate without engrossment.

REPORT OF SPECIAL COMMITTEE.

Mr. Grove, Chairman of the Joint Committee, made the following report:

Pursuant to House Joint Resolution No. 41, approved February 10th, 1923, two members of the Senate, appointed by the President of the Senate, and three members of the House, appointed by the Speaker of the House, whose signatures are subscribed to this Report, submit this Report with recommendations, containing a synopsis of the main features contained in bills prepared for the consideration of the Legislature.

HEARINGS HELD.

The Committee assembled in Mobile on June 7th, 1923, and from there visited the following places, where public hearings and conferences were held: Biloxi, Miss., Bayou LaBatre, Mobile, Birmingham, Camp Oliver, and Montgomery. Hearings and conferences were held with a total attendance of approximately six hundred people.

We were accompanied on all these trips by I. T. Quinn, Commissioner of Conservation, who acted as Secretary to the Committee.

SEAFOODS.

Biloxi, Miss.

The Committee visited Biloxi, Miss., for the purpose of obtaining full information as to methods employed and the factors involved in the rapid development of the oyster industry along the Mississippi Coast. We were met by the Mayor of Biloxi, in company with the Mississippi Oyster Commission, and a large delegation of citizens, who carried the Committee on a trip of inspection to several of the large seafood canning factories.

On the morning of June the 8th, we were carried over some of the oyster bottoms where we observed the planting of seed oysters on depleted and barren bottoms. This planting is done by the State of Mississippi with an annual expenditure of approximately \$8,000.00.

The Committee was given a demonstration in dredging which method the State of Mississippi employs wholly in harvesting oysters for steam canning purposes, hand tongs being used solely for the purpose of taking the oysters for counter and other raw trade.

In the afternoon of the same day, a public hearing was held in Biloxi to which approximately one hundred men, engaged in the oyster industry, attended and gave to the Committee practical and helpful information regarding the preservation, development and improvement of the oyster industry.

BAYOU LABATRE, ALA.

On the 9th day of June, a similar meeting was held at Bayou LaBatre, in Mobile County, at which meeting about seventy-five persons were present. Practically all present were oyster fishermen. There were also present some persons representing the canners and factory operators.

Out of all present there were a few who were in favor of dredging oysters in Alabama waters. Several other fishermen testified before the Committee that they opposed any change in the method of removing oysters from any of the waters of the State of Alabama.

The sense of the meeting was against the use of power tongs or dredges.

Our investigation revealed the fact that the bottoms in the Alabama waters in the vicinity of Mobile and Baldwin Counties are superior to those in Mississippi. Mississippi has developed its oyster bottoms by a method of planting, which practice has not been adopted in Alabama.

The sense of the meeting which was held in Biloxi was that the oyster bottoms in Mobile County could produce the finest oysters in the country if properly developed and cultivated.

MOBILE, ALABAMA.

On June 11th a public hearing was conducted in Mobile, Alabama, which was attended by approximately twenty-five people. It developed at this meeting that the dredging of oysters would prove disastrous to the oyster reefs in the Alabama waters. However, there were present at this meeting some packers, who were in favor of dredging.

GAME AND FISH,

MOBILE, ALA.

On the afternoon of June 11th, a public hearing was held to hear recommendations for a type of legislation that will protect and develop the wild life of field, forest and stream.

The meeting was well represented by sportsmen and conservationists, and the Committee was impressed with candor and earnestness of that high type of citizen who is making a plea for adequate conservation laws and the machinery for their proper enforcement.

BIRMINGHAM.—CAMP OLIVER.

A public hearing was held on June 12th out from Birmingham at Camp Oliver on Lake Bankhead, where a large delegation from Birmingham and surrounding territory met with the Committee. This delegation representing the Alabama Fishermen's and Hunters' Association and subsidiary organizations in the State, numbering several thousand members, made uniformly the same recommendations that were made at a conference of sportsmen and conservationists, representing thirty counties, held at Montgomery in September, 1922, and similar to the recommendations received by the Committee at Mobile, among which may be mentioned the following:

- (1) A closed season on bass, bream and trout for a period of at least two months during the bedding or spawning season.

- (2) The use of all hunters' license money in the enforcement of the game and fish laws of the State.

- (3) An all-time game and fish warden in each county of the State to enforce the game and fish laws.

- (4) Better laws for the protection and preservation of all protected fur-bearing animals.

- (5) The propagation of fish by the State for free distribution to citizens of the State, and a nominal fee for fishing license to be used solely and exclusively for the propagation and distribution of fish in the public streams, lakes and ponds of the State.

- (6) Placing the salary of the Commissioner of Conservation on an equitable basis along with the elective heads of other State Departments.

MONTGOMERY, ALA.

The Committee went to Montgomery on June 13th, and spent the remainder of the ten days, allotted to it by the resolution creating the Committee on Game, Fish and Sea-foods, in hearing delegations from Selma, Evergreen, Brewton, Tuscaloosa and other sections of the State. All delegations concurred in the recommendations already in the hands of the Committee.

One thing that has impressed the Committee at all public hearings is the unanimity of thought and the concerted effort on the part of all the people who appeared before it in person or otherwise communicated with it, on problems relating to the preservation, protection and development of the State's wild life resources, and the insistent demand that the funds accruing to the credit of the Game and Fish Protection Fund be used solely and exclusively for the purpose of employing a warden system that will enforce the conservation statutes and protect, with maximum results, the wild life resources of the State.

RECOMMENDATIONS.

Your Committee has made as thorough and complete investigations as has been possible for it during the ten days' time allotted, and has weighed carefully recommendations from delegations representing conservation clubs, game and game-fish protective associations, with a total membership of nearly eleven thousand citizens of the State, or practically 85% of those who annually purchase hunting licenses.

We have given serious thought to the development of our seafoods industry, and while it is impossible for the committee to recommend legislation that will be satisfactory to all those engaged in the industry, we believe that if the recommendations which follow are enacted into law and strictly enforced, it will mean the greatest constructive and at the same time the most rapid development of a long neglected industry.

SEA-FOODS.

- (1) All leases of oyster bottoms should be abolished.
- (2) The State should engage in the planting of seed oysters and oyster shells in depleted areas and barren bottoms.
- (3) The tax on oyster should be increased from two to five cents per barrel, and a return of 15% of shells from oysters obtained from the public reefs for planting purposes.
- (4) Alabama is the only State in the Union that by law prohibits dredging with power tongs and dredges oysters in any of its waters. The State should, therefore, permit the operation of power tongs and dredges at least in those areas where the open deep waters are located in which hand tongs cannot be operated profitably to the individual nor to the State. Ed. J. Grove, Chairman, dissents from recommendation 4.
- (5) Riparian rights should be curtailed.
- (6) Appropriation to replenish the oyster bottoms in Alabama.

GAME AND FISH.

- (1) The expenditure of all funds arising from the sale of hunting licenses and fines, penalties and forfeitures should be used in the preservation, propagation, and development of the State's wild life resources.
- (2) An all-time warden in each county in the State to properly enforce the Game and Fish Laws of the State.
- (3) A closed season on bass, bream and trout during the months of April and May to give them an opportunity to propagate.

(4) The construction and operation of one or more fish cultural stations in the State for the purpose of rearing edible game fish for free distribution to citizens of the State for restocking purposes.

(5) The imposition of a nominal fishing license fee imposed on all persons above the age of sixteen years, fishing outside of the precinct in which they reside, said fee to be used solely and exclusively for rearing fish by the State for free distribution. Ed J. Grove, Chairman, dissents from this recommendation.

(6) Greatly restricting the trapping of fur-bearing animals in the State.

(7) Prohibiting the hunting and chasing with dog and gun, or dog or gun, protected fur-bearing animals from March 1st to September 1st, following.

(8) The abolition of the fish-trap and prohibiting the use of all seines and nets having a stretched mesh under five inches, except in salt water streams or bodies.

THE DEPARTMENT OF CONSERVATION.

(1) The Department of Conservation should be reorganized and a complete record of all transactions of the Department kept. The office force is wholly inadequate to take care of the work required. The only help the head of the Department has is a stenographer. He should be given a bookkeeper to take care of all records of the Department, including the receipts and disbursements.

(2) At present when convictions are reported to the Department, the Commissioner never knows whether the fine has been remitted to the State, as the law does not require it to pass through his office before being covered into the Treasury. In many instances the present Commissioner has discovered a large number of fines which in past years have not been remitted to the State at all.

(3) The Commissioner of Conservation receives a salary which is \$1,000 per annum less than the minimum received by the elective heads of any of the other Departments of the State.

Remembering that none of the expenses of the Department come out of the general revenues of the State, the Commissioner's salary should be placed on an equitable basis with the elective heads of other Departments.

(6) Monies that are collected from the sources herein named should be used solely for conservation purposes.

Respectfully submitted,

Edw. J. Grove,

Chairman, Recess Committee on Fish and Game Conservation.

Robt. H. Jones, Vice-Chairman,

John Craft, Member of Senate,

J. H. L. Henley, Member of House.

Champ Pickens, Member of House.

On motion of Mr. Grove five hundred copies of the above report were ordered printed for the use of the House, and the report of the Joint Committee was ordered spread upon the Journal of the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Martin, Chairman of Rules Committee:

S. J. R. 116. Resolved by the Senate, the House concurring, that there is hereby appointed a special joint committee to consist of two members of the Senate, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House, who shall make investigation of the several departments of the State Government and ascertain the number of employes now retained in each of said Departments, and also the number of employes necessary for the efficient and economical carrying on of each such Department during the remainder of this administration, and report their findings to the Legislature.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 116 was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

J. E. Speight,
Secretary.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the special order which was the bill,

H. 142. To regulate the feeding of prisoners in county jails.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Claims and Fees, said Committee substitute being as follows:

Substitute for H. 142, by Committee on Claims and Fees:

A BILL.

To be entitled an Act to regulate the feeding of prisoners in County Jails.

Be it enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, or the Board of Revenue, as the case may be, of every county in this State, shall have general supervision of the feeding of all prisoners confined in their respective county jails. Such Court or Board shall, from time to time, inspect the quarters where such food is prepared and the manner of serving same but no such Court or Board, nor any member thereof, shall give any notice or information in advance of intention to make such inspection, and no definite date or dates shall be fixed.

Section 1½. That the jail inspector shall have the right to inspect the character of food and the manner of feeding such prisoners and make such recommendations as he thinks proper to the Board of Revenue or the Court of County Commissioners, as the case may be, and to the Governor of the State of Alabama.

Section 2. That it shall be the duty of the Sheriff of the County, in person, or by his Deputy or Jailor, to feed the prisoners in the jails under his jurisdiction, in accordance with the terms of this Act.

Section 3. That food for the State prisoners in the jails shall be paid for by the State according to the following scale: That for all prisoners from one to ten inclusive, the Sheriff shall be allowed sixty cents per day for each of said prisoners; that for all prisoners over ten and up to and including twenty, the Sheriff shall be allowed sixty cents per day for each of the first ten prisoners and fifty cents per day for each prisoner in excess of ten up to and including twenty prisoners; that for all prisoners over twenty and not exceeding thirty, the Sheriff shall be allowed sixty cents per day for each of the first ten prisoners, fifty cents per day for each of the next ten prisoners and forty cents per day for each prisoners in excess of twenty and up to and including thirty prisoners; that for all prisoners in excess of thirty, the Sheriff shall be allowed sixty cents per day for each of the first ten prisoners, fifty cents per day for each of the next ten prisoners, forty cents per day for each of the next ten prisoners and thirty cents per day for each prisoner in excess of thirty prisoners.

Section 4. On or before the 10th day in each and every month the Sheriff of each County shall furnish to the Court of County Commissioners, or Board of Revenue, as the case may be, to the State Auditor and to the State Prison Inspector an itemized statement in detail, verified by affidavit, giving a list of all the State and County prisoners by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date committed, date sentenced, date discharged, and the number of days in jail for the preceding calendar month.

Section 5. That upon receipt of the said statement from the Sheriff, it shall be the duty of the State Auditor to examine the said statement, thoroughly and carefully, and if correct he shall draw a warrant upon the State Treasurer in favor of the said Sheriff for such an amount as will cover the allowance for feeding the said State prisoners as provided for in Section 3 hereof; if such statement is incorrect he shall immediately return the same for correction. When a correct statement is received by the Auditor he shall draw and forward a warrant upon the State Treasurer covering the same.

Section 6. That all records shall be kept and statements made on forms prescribed and furnished by the State Auditor.

Section 7. That any member of a Court of County Commissioners, or Board of Revenue, Sheriff or Deputy, who violates any of the provisions of this Act, for which no specific penalty is provided shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$100.00.

Section 8. That any Sheriff who shall in the opinion of the Governor of the State of Alabama feed prisoners in his charge an insufficient amount of food or food of an unwholesome or unhealthful character, shall be upon the order of the Governor prosecuted by the State and shall be punished upon conviction by a fine of not less than \$100.00 nor more than \$1000.00.

Section 9. In determining the sufficiency, wholesomeness and healthfulness of the food served to prisoners by the Sheriffs of this State, the Governor may order the State Prison Inspector or his Deputy to make general and special investigations when in his opinion such investigations may be necessary. It shall then be the duty of the State Prison Inspector or his Deputy to make such investigation and to report to the Governor the result of his findings.

Section 10. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall be considered or construed as repealing or affecting Sections 6586 and 7197 of the Criminal Code of Alabama, which Sections shall remain in full force and effect.

Section 11. If any Section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect any other section, clause, provision, or portion of this act which is not in and of itself unconstitutional.

Section 12. This Act shall go into effect immediately upon its approval by the Governor.

Mr. Holcombe offered the following amendment to the substitute:

Amend the caption of substitute for House Bill No. 142 by adding thereto after the word "jail" where it appears in said

captain, the following: and to provide for the manner of payment for the feeding of such prisoners.

Also amend the substitute for the bill by striking out Section 3 thereof and insert in lieu thereof the following:

Section 3. That food for the State prisoners in the jails shall be paid for by the State according to the following scale: When the number of prisoners does not exceed ten, for each prisoner, sixty cents per day; when the number of prisoners exceeds ten and does not exceed twenty, for each prisoner fifty cents per day; when the number of prisoners exceeds twenty and does not exceed forty, for each prisoner, forty cents per day; when the number of prisoners exceeds forty, for each prisoner thirty cents per day.

Mr. Sollie made the following motion in writing:

Resolved that consideration of H. 142 be passed to the 32nd Legislative Day and that 500 copies of the substitute be and the same are hereby ordered printed.

On motion of Mr. Luck the motion of Mr. Sollie was laid upon the table.

And the amendment offered by Mr. Holcombe to the substitute was adopted.

Mr. Fite offered the following amendment to the substitute:

"Amend the substitute by striking out Section 3."

And the amendment offered by Mr. Fite to the substitute was lost.

Yeas, 28; nays, 51.

Yeas:

Messrs:

Ashcraft (Lauder'd'e) Fanning
Bealle Gaines
Bowen, L. K. Hodgson
Burton Howze
Byars Jeter
Deloney Jones
Dowdle Letson

Moxley
Odom
Parker
Posey
Powell
Rives
Rountree

Rutherford
Snodgrass
Sollie
Thompson (Etowah)
Thompson (Jackson)
Walton
Mrs. Wilkins

—28

Nays:

Messrs:

Mr. Speaker Ferrell
Adams Forman
Adcock Glenn
Ashcraft (Fayette) Glover
Blackwell Guy
Boykin Hall
Burns Hampton
Calloway Henley
Cato Henson
Coleman Holcombe
Cook Hornsby
Dickinson Howard
Dunwoody Kilborn

Kilpatrick
Long
Love
Luck
McGowen
Melton
Mooneyham
Moorer
Nichols
Normar
Patterson
Pickens
Ringer

St. John
Sanders (Pike)
Smith (Lee)
Stewart (Bibb)
Stewart (Calhoun)
Tiller
Varner
Walker
Wall
Ware
Williams
Wyatt

—51

PAIRS ANNOUNCED.

The following pairs were announced :

Yeas:	Nays:
Bowen, Lewis	Lee
Fite	Christian
Goodwyn	McDaniel
Hatter	Arrington

And the substitute reported by the Standing Committee on Claims and Fees as amended by the amendment of Mr. Holcombe was adopted.

Yeas, 56; nays, 21.

Yeas:

Messrs:

Mr. Speaker	Dunwoody
Adams	Ferrell
Adcock	Forman
Ashcraft (Fayette)	Glenn
Ashcraft (Lauderd'e)	Glover
Blackwell	Guy
Boykin	Hall
Burns	Hampton
Calloway	Henley
Cato	Henson
Coleman	Holcombe
Cook	Hornsby
Deloney	Howard
Dickinson	Howze

Jones

Kilborn

Kilpatrick

Long

Luck

McGowen

Melton

Mooneyham

Moorer

Nichols

Norman

Odom

Patterson

Pickens

Ringer

St. John

Sanders (Pike)

Smith (Lee)

Stewart (Bibb)

Stewart (Calhoun)

Thompson (Jackson)

Tiller

Varner

Walker

Wall

Ware

Williams

Wyatt

—56

Nays:

Messrs:

Bealle	Fanning	Moxley	Snodgrass
Bowen, Lewis	Grove	Parker	Sollie
Bowen, L. K.	Hodgson	Rives	Thompson (Etowah)
Burton	Jeter	Rountree	Walton
Byars	Letson	Rutherford	Mrs. Wilkins
Dowdle			

—21

PAIRS ANNOUNCED.

The following pairs were announced :

Yeas:	Nays:
Christian	Fite
McDaniel	Goodwyn
Arrington	Hatter

And the bill,

H. 142. To regulate the feeding of prisoners in county jails.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 61; nays, 24.

Yeas:

Messrs:

Mr. Speaker	Forman	Jones	Posey
Adams	Gaines	Kilborn	Ringer
Adcock	Glenn	Kilpatrick	St. John
Ashcraft (Fayette)	Glover	Long	Sanders (Pike)
Ashcraft (Lauderd'l)	Goode	Love	Smith (Lee)
Blackwell	Guy	Luck	Stewart (Bibb)
Boykin	Hall	McGowen	Stewart (Calhoun)
Burns	Hampton	Melton	Thompson (Jackson)
Calloway	Hawkins	Mooneyham	Tiller
Cato	Henley	Moorer	Varner
Coleman	Henson	Nichols	Walker
Cook	Holcombe	Norman	Wall
Deloney	Hornsby	Patterson	Ware
Dickinson	Howard	Pickens	Williams
Dunwoody	Howze	Poole	Wyatt
Ferrell			

—61

Nays:

Messrs:

Bealle	Grove	Odom	Rutherford
Bowen, Lewis	Hodgson	Parker	Snodgrass
Bowen, L. K.	Jeter	Posey	Sollie
Burton	Kilborn	Powell	Thompson (Etowah)
Byars	Letson	Rives	Walton
Dowdle	Moxley	Rountree	Mrs. Wilkins
Fanning			

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PAIRS ANNOUNCED.

The following pairs were announced:

Yeas:

Christian
McDaniel
Arrington

Nays:

Fite
Goodwyn
Hutter

RECONSIDERATION.

Mr. Long moved to reconsider the vote by which the bill H. 142 was passed, and then moved to table his motion to reconsider and the motion to table prevailed.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor August 9, 1923, at 11 o'clock.

H. 6. To provide for the election of a County Superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under

this Act and to provide for the election of his successor in office.

Also:

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the probate judge of Walker county, Alabama, for acting as judge of and doing the work of the judge of the county court of Walker county, Alabama.

Also:

H. 405. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor August 9, 1923, at 11 o'clock.

H. 354. To provide for the division of Henry county, Alabama, into four commissioners' districts, to define the boundary lines of such districts by showing the beats composing each of such districts; to provide for the election of one commissioner from each of such districts; to fix their terms of office and prescribe their duties under this act and as otherwise provided by law; to fix the date for election of such commissioners; to require such commissioners, including the present court of county commissioners, to furnish bond; and to further define and prescribe the duties and powers of said court of county commissioners.

Also:

H. 353. To require the court of county commissioners of Henry county, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Also:

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

Also:

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Also:

H. 50. To abolish the County Court of Autauga County.

Also:

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston county, Alabama.

J. H. Stewart,
Clerk.

ADJOURNMENT.

On motion of Mr. Fite, the House adjourned until Tuesday, August 14th, at 2 P. M.

THIRTY-FIRST DAY.

House of Representatives,
Tuesday, August 14th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Frank Willis Barnett of Birmingham.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Christian	Goodwyn	Jeter
Adams	Coleman	Graves	Jones
Adcock	Cook	Grove	Kilborn
Allen	Deloney	Guy	Lee
Ashcraft (Fayette)	Dickinson	Hall	LeMaiztre
Ashcraft (Lauder'de)	Dunwoody	Hampton	Letson
Bealle	Elliott	Hatter	Long
Blackwell	Embry	Hawkins	Love
Bowen, Lewis	Fanning	Henley	Luck
Bowen, L. K.	Ferrell	Henson	McDaniel
Boykin	Fite	Hodgson	McGowen
Burns	Forman	Holcombe	Melton
Burton	Gaines	Hornsby	Mooneyham
Byars	Glenn	Howard	Moorer
Calloway	Glover	Howze	Moxley
Cato	Goode	Hubbard	Nichols

Norman	Rountree	Sollie	Verner
Odum	Rutherford	Stewart (Bibb)	Walker
Parker	St. John	Stewart (Calhoun)	Wall
Patterson	Sanders (Pike)	Thompson (Etowah)	Walton
Pickens	Sessions	Thompson (Jackson)	Ware
Poole	Smith (Clay)	Tiller	Mrs. Wilkins
Posey	Smith (Jefferson)	Tunstall	Wyatt
Powell	Smith (Lee)	Tyson	Young
Ringer	Snodgrass	Varner	

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the Journal of the House for the Thirtieth Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the Thirtieth Legislative Day was approved.

LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Culver, Dowdle, Kilpatrick, Rives and Sanders of Conecuh for today and to Mr. Williams indefinitely.

RESOLUTIONS.

The following resolutions were introduced:

By Mrs. Wilkins:

H. R. 103. Resolved, That H. 312, the Child Welfare Bill, shall be made a special, continuing order of business in the House on Thursday, Aug. 16th.

On motion the rules were suspended and the resolution was adopted.

By Mr. Holcombe:

H. R. 104. Be it resolved by the House of Representatives, That House bill No. 523 be made a special, paramount, continuing order on the 33rd Legislative Day.

And the resolution was referred to the Committee on Rules.

By Mr. Kilborn:

H. R. 105. Resolved, That H. 296 be made a special, continuing, paramount order for the 33rd Legislative Day immediately following the reports of standing committees.

And the resolution was referred to the Committee on Rules.

By Mr. L. K. Bowen:

H. R. 106. Resolved, That H. 518 be made a special, paramount order for the 34th Legislative Day after reports of standing committees.

And the resolution was referred to the Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows: By Mr. Wyatt (with notice and proof):

H. 649. To provide for the election of the county superintendent of education for Chilton county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Local Legislation.

Notice and proof H. 649:

NOTICE.

A bill will be introduced in the next session of the Legislature of Alabama providing for the election of the superintendent of education of Chilton county, Alabama, by vote of the qualified electors of said county.

W. M. Wyatt,

Representative of Chilton County, Alabama.

Clanton, Ala., Dec. 21, 1922.

The State of Alabama, }
Chilton County. }

Before me, the undersigned authority, personally appeared T. E. Wyatt, who being by me first duly sworn according to law, deposes and says as follows:

That he is the editor of the Union-Banner, a weekly newspaper, published every Thursday, at Clanton, in said county and State;

That the notice of intention to introduce a bill in the Legislature of Alabama, providing for the election of the county superintendent of education of Chilton county, clipping of which advertisement or notice is hereto attached, was published in said newspaper for four consecutive weeks, of dates as follows, to-wit: December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923.

T. E. Wyatt,

Editor of the Union-Banner.

Sworn to and subscribed before me, this, the 13th day of August, 1923.

J. Z. Mims,

Clerk of the Circuit Court, Chilton County, Alabama.

By Mr. Parker:

H. 650. To provide for absent qualified electors of the State of Alabama to vote in any election in this State while absent from the State or from the county or precinct in which he is a qualified elector; to provide the method of carrying out such provision; and to require election officers and others charged with duties hereunder to perform duties in connection therewith.

Privileges and Elections.

By Mr. LeMaistre (with notice and proof) :

H. 651. To establish in precinct nine in Covington county, Ala., an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

Local Legislation.

Notice and proof H. 651 :

NOTICE OF LEGISLATION.

A bill will be introduced in the Legislature of Alabama on its convening July 10, 1923, for the purpose of establishing an inferior court for precinct No. nine (9) for Covington county, Alabama, in lieu of all justices of the peace, notaries public with the jurisdiction of justices of the peace, and justice courts, for such precinct; with jurisdiction and powers in such precinct in both criminal, quasi criminal, and civil causes, which are now or as may hereafter be conferred upon justices of the peace and justice courts only; providing for officers for such court, fixing their compensation and providing therefor; fixing the terms of such court, providing for the procedure for such court as in county courts, and in justices courts, respectively; and providing for the disposition of fines, forfeitures, and fees in such court and causes in the same, and regulating the same.

State of Alabama, }
Covington County. }

Before me, John Bair, a Notary Public in and for said State and county, personally appeared J. L. Kimbro, who being sworn says on oath that he is editor and publisher of the Florala News, a weekly newspaper published at Florala, Covington county, Alabama, and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks, the first insertion being in issue dated July 19th, 1923, the second insertion being in issue dated July 26th, 1923, the third insertion being in issue dated August 2nd, 1923, and the fourth insertion being in issue dated August 9th, 1923.

J. L. Kimbro.

Sworn to and subscribed before me this 11th day of August, 1923.

John Bair,

(Seal)

Notary Public in and for said State and County.

By Mr. Moxley (with notice and proof) :

H. 652. To repeal an Act entitled "An Act" to provide for the more efficient construction and maintenance of public roads and bridges of Crenshaw county; to provide for the election of a county engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the commissioners' court under this Act; to provide revenue for the roads and bridges of the county; to levy a commutation fee of five dollars in lieu of road work; to levy a vehicle license tax for road purposes; to prescribe the duties of the tax assessor, tax collector, probate judge and sheriff under this Act and to fix their compensation; to provide for the assessment and collection of the taxes under this Act; to provide for the punishment of persons violating the pro-

visions of this Act; to provide for the disposition of fines and forfeitures collected under this Act and for the hire of county convicts under this Act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of the county. Approved September 25th, 1919.

Local Legislation.

Notice and proof, H. 652:

NOTICE.

Notice is hereby given of intention to introduce a bill in the Legislature of Alabama which will convene within the month of July, 1923, the intention of which is to repeal an Act entitled an Act."

To provide for the more efficient construction and maintenance of public roads and bridges of Crenshaw county; to provide for the election of a county engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the commissioners court under this Act; to provide revenue for the roads and bridges of this county; to levy a commutation fee in lieu of road work; to levy a vehicle license tax for road purposes; to prescribe the duties of tax collector, tax assessor, probate judge and sheriff under this Act and fix their compensation; to provide for punishment of persons violating the provisions of this Act; to provide for the disposition of fines and forfeitures collected under this Act and for the hire of county convicts under this Act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of Crenshaw county."

Approved September 25, 1919, which repealing Act is sought for the purpose of building and maintaining public roads, highways and bridges under provisions of general Act approved Sept. 22, 1915.

Respectfully submitted,
J. B. Moxley.

AFFIDAVIT OF PUBLICATION.

I, C. L. Kettler, editor of the Crenshaw County News, a newspaper published weekly at Luverne, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 5th, 1923, and ending with the issue dated July 26th, 1923.

C. L. Kettler.

Subscribed and sworn to before me this 27th day of July, 1922.

A. D. Funderburk, N. P.

By Mrs. Wilkins:

H. 653. To change the name of the State Normal School at Livingston, Alabama, to the Julia Tutwiler State Normal School.
Education.

By Mr. Fite:

H. 654. To fix the compensation of coroners in counties of this State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census.

Local Legislation.

By Mr. Jeter:

H. 655. To abolish the office of coroner in all counties having a population of 200,000 or more according to the last or any subsequent Federal census, and to provide for the disposition of all funds heretofore provided for the maintenance of said office.

Local Legislation.

By Mr. Grove:

H. 656. To appropriate twenty-five thousand dollars to be used by the commissioner of conservation of Alabama in fostering, protecting, improving, developing and regulating the oyster industry of Alabama, in conserving the oyster resources of the State of Alabama, and in making the barren oyster bottoms productive.

Game, Fish and Forestry Preservation.

By Mr. Holcombe:

H. 657. To regulate the speed of motor vehicles operated upon public highways in the State of Alabama and to provide for the punishment for the violation of this Act.

Public Roads and Highways.

By Mr. Holcombe:

H. 658. To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census and to define their duties.

Local Legislation.

By Mr. Goodwyn:

H. 659. To amend the title, and sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering and a lien for its judgments; and to abolish justices of the peace in such cities," approved February 19, 1919, found in the General Acts of Alabama, 1919, pages 155 to 163, inclusive.

Judiciary.

By Mr. Goodwyn:

H. 660. To authorize the Governor to acquire for the use of the State additional property.

Ways, Means and Appropriations.

By Mr. Glover:

H. 661. To regulate stock running at large.

Revision of Laws.

By Mr. Powell (by request):

H. 662. Relative to the sale, giving away, furnishing and distribution of certain narcotic drugs, and offenses with reference thereto.

Public Health.

By Mr. Ashcraft, of Lauderdale (by request):

H. 663. To authorize every municipal corporation in the State of Alabama to punish violations of traffic ordinances by fine, imprisonment or at hard labor, and the detention of the vehicle used in such violation, and to provide for the safe keeping of the vehicle so detained, and to provide for appeals in such cases.

Municipal Organizations.

By Mr. Ashcraft of Lauderdale (by request):

H. 664. To amend section 1258 of the 1907 Code of Alabama.

Municipal Organization.

By Mr. Ashcraft of Lauderdale (by request):

H. 665. To prevent the use of cut-outs on automobiles and to require the use of non-glaring lights on automobiles, and to provide penalties for violations of the same.

Public Roads and Highways.

By Mr. Tunstall:

H. 666. To amend section 8 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," approved August 9th, 1923.

Judiciary.

BILL ON SECOND READING.

Mr. Sollie, chairman of the Standing Committee on Municipal Organization, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Lewis Bowen:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection,

terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

The above and foregoing bill was read a second time and placed upon the calendar.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, respectively, and find same correctly engrossed, to-wit:

H. 142. To regulate the feeding of prisoners in county jails and to provide for the manner of payment for the feeding of such prisoners.

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House:

By Mr. Griffith:

S. 332. To establish a board of revenue for the county of Winston to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of office; providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensations of the members of said board; and abolishing the court of county commissioners of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced for the purpose of establishing a board of revenue for the county of Winston to consist of five members, one of whom shall be president thereof in lieu of the commissioner's court of said county; conferring upon said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioner's court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the ap-

pointment of the members of said board, prescribing their terms of office, and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board, and prescribing their terms of office; providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the court of county commissioners of said county.

The State of Alabama, }
Winston County. }

Before me, the undersigned authority in and for the said county and State, personally appeared G. W. Adkins, who, being by me first duly sworn, deposes and says on oath that he is editor and publisher of the Winston Herald, a newspaper of general circulation published in Winston county, Alabama; that the foregoing and hereto attached notice was published for four consecutive and successive weeks in said paper on, to-wit: June 8th, 15th, 22nd and 29th, July 6th and 13th, 1923.

Sworn to and subscribed before me this 13th day of July, 1923.

Geo. W. Adkins.

H. E. Perry,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 332.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Jeter called up his motion to take the bill, H. 366, from the adverse calendar and the motion prevailed.

Yeas, 69; Nays, 13.

Yeas:

Messrs:

Adams	Fanning	Jeter	Ringer
Adcock	Ferrell	Kilborn	Rountree
Allen	Fite	Letson	Rutherford
Ashcraft (Fayette)	Forman	Long	Sanders (Pike)
Blackwell	Gaines	Love	Sessions
Bowen, Lewis	Glover	McGowen	Smith (Jefferson)
Bowen, L. K.	Goode	Mooneyham	Snodgrass
Boykin	Graves	Moorer	Sollie
Burns	Grove	Moxley	Stewart (Bibb)
Burton	Guy	Nichols	Stewart (Calhoun)
Byars	Hall	Norman	Thompson (Etowah)
Calloway	Hampton	Odom	Thompson (Jackson)
Cato	Hawkins	Patterson	Tyson
Cook	Henley	Pickens	Verner
Deloney	Henson	Poole	Ware
Dunwoody	Hodgson	Posey	Wyatt
Elliott	Hornsby	Powell	Young
Embry			

—69

Nays:

Messrs:

Mr. Speaker	Howard	McDaniel	Varner
Bealle	Howze	Smith (Clay)	Walker
Glenn	Jones	Smith (Lee)	Mrs. Wilkins
Goodwyn			

—13

And the bill:

By Mr. Jeter:

H. 366. To provide for the election of boards of education in municipalities in the State of Alabama with populations of one hundred thousand or more according to the Federal census of 1920 or any subsequent Federal census; to prescribe the times and manner for holding elections therefor; to prescribe the powers of such boards of education; to prescribe the terms of office of the members of such boards of education; and to provide for the repeal of conflicting laws or legislation.

Was read a second time and placed upon the calendar of the House.

COMMUNICATION.

The following communication was read and ordered spread upon the Journal:

Opelika, Ala., 14—2:43 P. M.

The House of Representatives,
Montgomery, Ala.

Today at meeting of Rotary Club of Opelika resolution was unanimously and enthusiastically adopted strongly protesting against any bill trading off Phoenix City for anything. Opelika and Lee county greatly values and appreciates the citizenship of Phoenix City and are opposed to any separation.

Thos. D. Samford,
John V. Denson,
N. P. Renfron,
Committee.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Mr. Martin, chairman Rules Committee:

S. J. R. 119. Resolved by the Senate, the House concurring, That when the two houses adjourn today, they do adjourn until Thursday, August 16, 1923, at 10:00 A. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long, the House concurred in and adopted the S. J. R. 119, which is set out in the above and foregoing message from the Senate.

BILL ON THIRD READING.

Mr. Luck:

H. 175. To amend section 5 of an Act entitled, "To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals, approved February 7, 1919.

Was taken up. Mr. Luck offered the following substitute for the bill:

A BILL

Substitute for H. 175:

To be entitled An Act to amend sections 5, 12 and 13 of an Act entitled "To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals, approved February 7, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That section 5 of an Act entitled "An Act to establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals, approved February 7, 1919, be and the same is hereby amended so as to read as follows: Section 5. That every person, firm, company or corporation having in possession or in charge as owner, agent or otherwise one or more tick infested cattle, or having in possession or in charge as owner, agent or otherwise one or more cattle on a tick infested or quarantined premises, range, farm or pasture, that has not been released from State and Federal quarantine by the inspector in charge of such territory in such county, shall dip such cattle once every two weeks on the day and at the vat specified by the inspector in charge of the vat most convenient or nearest to the cattle. Said tick infested premises, range, pasture or farm, or tick infested cattle on any range, premises, farm or pasture, to be determined by an examination of such premises and cattle by the State or Federal inspector in charge of said territory in such county, before such owner, agent or party in possession of such cattle or premises shall be required to dip such cattle. That whenever such cattle and premises becomes free from such ticks, which must be determined by an examination of the premises and cattle, by the State or Federal inspector in charge of such territory, the owner, agent or party in possession of such cattle or premises, shall not be required to dip such cattle, but such premises and cattle shall be released from quarantine. Provided that at any time, before such county is released from quarantine, upon an examination of the cattle and premises, or either, by such State or Federal inspector in charge of such territory in such county, it is discovered that such cattle or premises, pasture or range or farm are infected with such ticks, such person, firm, company or agents thereof in charge of such premises or pasture, farm or cattle thereon, shall be required to dip such cattle until released from quarantine by such inspector in charge of such territory in such county. One printed or written dipping notice, given by the inspector in charge to the person or persons in charge of or in possession of the cattle or premises, shall be legally sufficient to require the owner, agent, firm or person in charge to dip such cattle regularly every two weeks until released from quarantine.

Section 2. That section 12 of an Act entitled "An Act to establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animal approved February 7, 1919, be and the

same is hereby amended so as to read as follows: Section 12. That if a county court of commissioners or the county board of revenue shall fail or refuse, when in the opinion of such county court of commissioners or boards of revenue that the county has on hand ample and sufficient funds in the treasury thereof with which to carry on such tick eradication, to comply with the requirements of sections 2, 4 and 9 of this Act each member thereof shall be guilty of a misdemeanor and upon conviction, each member shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

Section 3. That section 13 of an Act entitled "An Act to establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals, approved February 7, 1919, be and the same is hereby amended so as to read as follows: Section 13. That if any court of county commissioners, or board of revenue of a county shall fail or refuse, when in the opinion of such court of county commissioners or board of revenue of such county that such county has ample and sufficient funds in the treasury thereof with which to carry on such tick eradication, to make adequate appropriations or provision to execute in good faith this law, any State inspector or owner of cattle, may apply to a circuit judge for a writ of mandamus to compel a faithful compliance with this and all other laws cognate hereto, and the judge shall hear the application at any time, or place where he may be, after one day's notice to the members of the court or board, and a failure to obey promptly the command of the writ shall be a misdemeanor, as well as a contempt.

Section 4. That all laws and parts of laws in conflict with this Act are hereby repealed.

Mr. Rountree moved to indefinitely postpone the bill and substitute and the motion of Mr. Rountree was lost.

And the substitute offered by Mr. Luck was adopted.

Yeas, 48; Nays, 35.

Yeas:

Messrs:

Adams
Adcock
Blackwell
Bowen, Lewis
Bowen, L. K.
Boykin
Byars
Calloway
Deloney
Dickinson
Elliott
Embry
Fanning
Ferrell
Fite
Gaines
Glover
Goodwyn
Grove
Guy
Henley
Henson
Holcombe
Hornsby

Jeter
Letson
Long
Love
Luck
Moxley
Nichols
Norman
Parker
Poole
Posey
Powell

Ringer
Rutherford
Sanders (Pike)
Sessions
Smith (Jefferson)
Stewart (Bibb)
Stewart (Calhoun)
Thompson (Jackson)
Tiller
Wall
Ware
Wyatt

*Nays:**Messrs:*

Mr. Speaker	Dunwoody	Mooneyham	Sollie
Allen	Forman	Moorer	Tunstall
Ashcraft (Fayette)	Goode	Odom	Tyson
Ashcraft (Lauderd'e)	Hatter	Patterson	Varner
Bealle	Hodgson	Pickens	Verner
Burns	Jones	Rountree	Walker
Burton	Kilborn	Smith (Clay)	Mrs. Wilkins
Cato	McDaniel	Smith (Lee)	Young
Cook	McGowen	Snodgrass	

—35

And the bill:

H. 175. To amend section 5 of an Act entitled, "To establish and provide for State-wide eradication of the cattle fever tick (*margaropus annulatus*) and any other tick that shall be found to carry a disease-producing infection to cattle or any other domestic animals, approved February 7, 1919.

As amended by the substitute, was read a third time at length and passed.

Yeas, 46; Nays, 33.

*Yeas:**Messrs:*

Mr. Speaker	Embry	Jeter	Rutherford
Adams	Fanning	Letson	Sanders (Pike)
Adcock	Fite	Long	Sessions
Ashcraft (Fayette)	Gaines	Luck	Smith (Jefferson)
Blackwell	Glenn	Moxley	Stewart (Bibb)
Bowen, Lewis	Glover	Nichols	Stewart (Calhoun)
Bowen, L. K.	Grove	Norman	Thompson (Jackson)
Boykin	Guy	Parker	Tiller
Byars	Hall	Poole	Wall
Calloway	Henley	Posey	Ware
Deloney	Henson	Ringer	Wyatt
Elliott	Holcombe		

—46

*Nays:**Messrs:*

Allen	Hampton	Mooneyham	Sollie
Bealle	Hatter	Moorer	Thompson (Etowah)
Burton	Hodgson	Patterson	Tyson
Cato	Howard	Pickens	Varner
Cook	Jones	Rountree	Verner
Dunwoody	Kilborn	Smith (Clay)	Walker
Goode	McDaniel	Smith (Lee)	Mrs. Wilkins
Goodwyn	McGowen	Snodgrass	Young
Graves			

—33

Mr. Luck moved to reconsider the vote by which the bill H. 175 was passed and then moved to table the motion to reconsider and the motion to table prevailed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

H. 542. To vacate that part of the Huntsville road from the point of intersection with Eighteenth avenue to the point of intersection with Nineteenth street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson county, Alabama, near the city of Bessemer, bounded by the Huntsville road, Eighteenth avenue and Nineteenth street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville road and the said streets, avenues, alleys, roads and ways.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RECOMMITTAL OF BILL.

On motion of Mr. Gaines the bill:

H. 604. To amend section 5534 of the Code of Alabama of 1907.

Was recalled from the Standing Committee on Commerce and Common Carriers and recommitted to the Standing Committee on Revision of Laws.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 308. To adopt a code of laws for the State of Alabama.

H. 307. To provide for the publication and distribution of the Code of Alabama.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and sends same herewith to the House:

H. 262. To further regulate the workings of the public roads in Cocala county, Alabama.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor Aug. 14, 1923 at 4:15 P. M.:

H. 542. To vacate that part of the Huntsville road from the point of intersection with Eighteenth avenue to the point of intersection with Nineteenth street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson county, Alabama, near the city of Bessemer, bounded by the Huntsville road, Eighteenth avenue and Nineteenth street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville road and the said streets, avenues, alleys, roads and ways.

J. H. Stewart,
Clerk.

RECOMMITTAL OF BILLS.

On motion of Mr. Fite, the bill:

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1,010.00, payable to him, issued by the board of revenue of Jefferson county, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county, was recommitted to the Standing Committee on Local Legislation.

On motion of Mr. Fite, the bill:

H. 330. To change and define the boundary line of St. Clair county, Alabama, between said county and the county of Jefferson. was recommitted to the Standing Committee on Local Legislation.

On motion of Mr. Grove, the bill:

H. 532. To amend section ten of an Act approved April 18th, 1911, entitled an Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which are not or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from the office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, alderman, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government" as amended by an Act approved September 28th, 1915.

Was recommitted to the Standing Committee on Municipal Organization.

BILLS ON THIRD READING.

S. 166. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described, as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street in said city, which lies between the lands known as the River

Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newton, on the south; that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322 inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that

certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Ringer
Adams	Gaines	Lee	St. John
Adcock	Glenn	Letson	Sanders (Pike)
Allen	Goode	Long	Sessions
Bealle	Graves	Love	Smith (Clay)
Blackwell	Grove	Luck	Sollie
Boykin	Guy	Melton	Stewart (Bibb)
Burns	Hall	Mooneyham	Tiller
Burton	Hatter	Moorer	Tunstall
Byars	Henley	Moxley	Tyson
Cato	Henson	Nichols	Verner
Coleman	Hornsby	Odom	Walker
Cook	Howard	Parker	Wall
Deloney	Howze	Poole	Ware
Elliott	Jeter	Posey	Mrs. Wilkins
Embry	Jones	Powell	Young
Ferrell			

—65

S. 167. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th street on the south.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Kilborn	St. John
Adams	Gaines	Lee	Sessions
Adcock	Glenn	Long	Smith (Lee)
Allen	Glover	Love	Sollie
Bealle	Goode	Luck	Stewart (Bibb)
Boykin	Graves	McGowen	Tiller
Burns	Grove	Melton	Tunstall
Burton	Guy	Moorer	Tyson
Byars	Hall	Nichols	Varner
Cato	Hatter	Norman	Verner
Coleman	Henson	Odom	Walker
Cook	Hornsby	Parker	Wall
Deloney	Howard	Pickens	Walton
Elliott	Howze	Poole	Ware
Embry	Jeter	Powell	Wyatt
Ferrell	Jones	Ringer	Young
Fite			

—65

H. 519. To amend an Act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

Was read a third time at length and passed.

Yeas, 59; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Hornsby	Smith (Clay)
Adams	Fanning	Kilborn	Smith (Jefferson)
Adcock	Ferrell	Letson	Smith (Lee)
Allen	Fite	McGowen	Snodgrass
Ashcraft (Fayette)	Forman	Mooneyham	Sollie
Ashcraft (Lauderdale)	Gaines	Nichols	Stewart (Bibb)
Bealle	Glenn	Norman	Stewart (Calhoun)
Blackwell	Glover	Odom	Tiller
Bowen, Lewis	Graves	Parker	Varner
Bowen, L. K.	Grove	Posey	Verner
Boykin	Hall	Powell	Walker
Burton	Hampton	Ringer	Walton
Calloway	Hatter	Rountree	Wyatt
Cook	Henson	Sanders (Pike)	Young
Deloney	Hodgson	Sessions	

—59

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Education, said committee amendment being as follows:

Amend by striking out subsection six of section five and inserting in lieu thereof the following:

(6) Provided that the county board of education shall deposit all monies accruing to the fund in some responsible banking institution which offers to pay the highest rate of interest thereon, to be paid quarterly and credited to such pension fund.

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Embry	Graves
Adams	Burton	Ferrell	Grove
Adcock	Calloway	Fite	Guy
Allen	Coleman	Gaines	Hall
Bealle	Cook	Glenn	Hatter
Bowen, Lewis	Deloney	Glover	Hawkins
Bowen, L. K.	Elliott	Goode	Henley

Henson	Letson	Pickens	Tyson
Hodgson	Long	Poole	Varner
Hornsby	Love	Posey	Verner
Howard	Luck	Powell	Walker
Howze	Melton	Ringer	Wall
Hubbard	Moxley	St. John	Walton
Jeter	Nichols	Sessions	Ware
Jones	Odom	Sollie	Wyatt
Kilborn	Parker	Tiller	Young
Lee			

—65

And the bill:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jeter	Ringer
Adams	Ferrell	Jones	Rountree
Adcock	Fite	Lee	St. John
Allen	Gaines	Letson	Sessions
Bealle	Glenn	Long	Snodgrass
Blackwell	Glover	Love	Sollie
Bowen, Lewis	Goode	Luck	Tiller
Boykin	Graves	McGowen	Tunstall
Burns	Grove	Melton	Tyson
Burton	Guy	Moxley	Varner
Byars	Hall	Nichols	Verner
Cato	Henley	Odom	Wall
Cook	Henson	Parker	Ware
Deloney	Hornsby	Poole	Williams
Dickinson	Howard	Posey	Wyatt
Elliott	Howze	Powell	Young
Embry			

—65

H. 534. To provide for the relief of H. W. Slaughter, of Baldwin county, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bealle	Boykin	Cato
Adams	Blackwell	Burns	Cook
Adcock	Bowen, Lewis	Burton	Deloney
Allen	Bowen, L. K.	Byars	Dickinson

Embry	Hawkins	Love	Sessions
Fanning	Henley	Luck	Sollie
Ferrell	Henson	Melton	Tiller
Fite	Hornsby	Moorer	Tunstall
Forman	Howard	Norman	Tyson
Gaines	Howze	Odom	Verner
Glenn	Jeter	Parker	Verner
Goode	Jones	Poole	Walker
Graves	Lee	Posey	Wall
Grove	LeMaistre	Powell	Walton
Guy	Letson	Ringer	Ware
Hall	Long	St. John	Young
Hatter			

—65

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Deloney	Hornsby	Pickens
Adams	Dickinson	Howard	Posey
Adcock	Dunwoody	Howze	Ringer
Allen	Elliott	Hubbard	St. John
Ashcraft (Fayette)	Embry	Jones	Sessions
Bealle	Fanning	Kilborn	Snodgrass
Blackwell	Fite	Lee	Sollie
Bowen, Lewis	Gaines	Letson	Tiller
Boykin	Glenn	Long	Tunstall
Burns	Goode	Love	Tyson
Burton	Graves	Luck	Verner
Byars	Grove	McDaniel	Walker
Calloway	Guy	Melton	Wall
Cato	Hall	Nichols	Ware
Christian	Henson	Odom	Wyatt
Coleman	Hodgson	Patterson	Young
Cook			

—65

H. 579. To provide for the abolishment of the Barbour county court; to provide for the disposition of pending cases; to abolish the office of solicitor of the Barbour county court; to abolish the office of judge of the Barbour county court.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Howze	Posey
Adcock	Gaines	Hubbard	Powell
Allen	Glenn	Jeter	Ringer
Bealle	Glover	Jones	Rountree
Boykin	Goode	Kilborn	St. John
Burns	Graves	Lee	Sollie
Byars	Grove	Letson	Tiller
Cato	Guy	Long	Tunstall
Cook	Hall	Love	Tyson
Deloney	Hatter	Luck	Varnier
Dickinson	Henley	Mooneyham	Verner
Dunwoody	Henson	Moorer	Wall
Elliott	Hodgson	Moxley	Walton
Embry	Holcombe	Odom	Ware
Fanning	Hornsby	Parker	Wyatt
Ferrell	Howard	Poole	Young
Fite			

—65

RECONSIDERATION.

On motion of Mr. Long the vote by which the bill, H. 579. To provide for the abolishment of the Barbour county court; to provide for the disposition of pending cases; to abolish the office of solicitor of the Barbour county court; to abolish the office of judge of the Barbour county court.

Was passed was reconsidered and on motion of Mr. Long the vote by which said bill, H. 579, was ordered to a third reading was reconsidered, and on motion of Mr. Long the bill:

H. 579. To provide for the abolishment of the Barbour county court; to provide for the disposition of pending cases; to abolish the office of solicitor of the Barbour county court; to abolish the office of judge of the Barbour county court.

Was recommitted to the Standing Committee on Local Legislation.

BILLS ON THIRD READING.

H. 614. To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Adams	Bowen, Lewis	Byars	Embry
Adcock	Bowen, L. K.	Cato	Ferrell
Allen	Boykin	Cook	Fite
Bealle	Burns	Deloney	Gaines
Blackwell	Burton	Elliott	Glenn

Glover	Howze	Moxley	Snodgrass
Goode	Jeter	Norman	Sollie
Graves	Jones	Odom	Tiller
Grove	Lee	Poole	Tyson
Guy	LeMaistre	Posey	Varner
Hall	Letson	Powell	Verner
Hatter	Long	Ringer	Walker
Henley	Love	St. John	Wall
Henson	Luck	Smith (Clay)	Ware
Hodgson	Melton	Smith (Jefferson)	Wyatt
Holcombe	Moorer	Smith (Lee)	Young
Hornsby			

—65

H. 591. To provide for the submission to the voters of all cities in this State, which now have or which may hereafter have a population of one hundred fifty thousand or more, according to the last or any succeeding Federal census, the question whether such cities shall be governed under the mayor-council, the council-manager, or the commission form of municipal government; to describe, define, and provide for each of said forms of municipal government; to provide for the election and selection of the various officers to be elected and selected under each of said forms of municipal government; to fix the powers, duties, and compensation of such officers; to provide penalties for corrupt practices and other improper conduct in connection with the election of said officers and in connection with any other elections held under this Act; to provide penalties for other violations of the provisions of this Act; to advance the general welfare of all such cities; and otherwise to provide for the creation, conduct, operation and maintenance of each of said forms of government; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Jeter	Ringer
Adams	Gaines	Jones	St. John
Adcock	Glenn	Lee	Smith (Lee)
Allen	Glover	Letson	Snodgrass
Bealle	Goode	Long	Sollie
Bowen, L. K.	Goodwyn	Love	Tiller
Boykin	Graves	Luck	Tunstall
Burns	Grove	Melton	Tyson
Burton	Guy	Moorer	Varner
Byars	Hall	Moxley	Verner
Calloway	Hatter	Nichols	Walker
Cato	Henley	Odom	Wall
Christian	Henson	Parker	Walton
Coleman	Hodgson	Poole	Ware
Cook	Howard	Posey	Wyatt
Elliott	Howze	Powell	Young
Ferrell			

—65

S. 268. To establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Howze	Poole
Adams	Fite	Jeter	Posey
Adcock	Forman	Jones	Ringer
Allen	Gaines	Lee	St. John
Bealle	Glenn	LeMaistre	Snodgrass
Blackwell	Glover	Letson	Sollie
Bowen, L. K.	Goode	Long	Tiller
Burns	Goodwyn	Love	Tyson
Burton	Craves	Luck	Varner
Byars	Grove	Melton	Verner
Cato	Guy	Moorer	Walker
Cook	Hall	Moxley	Wall
Deloney	Hatter	Nichols	Walton
Dunwoody	Henley	Norman	Ware
Elliott	Henson	Odom	Wyatt
Embry	Howard	Parker	Young
Fanning			

—65

H. 351. To fix the salary of the deputy solicitor for Escambia county, Alabama, and to provide for the manner of payment of the same.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Allen	Bowen, Lewis	Burns
Adams	Bealle	Bowen, L. K.	Rvrs
Adcock	Blackwell	Boykin	Cato

Cook	Graves	LeMaistre	Ringer
Deloney	Grove	Letson	St. John
Dickinson	Guy	Long	Sessions
Dunwoody	Hall	Love	Sollie
Elliott	Hatter	Luck	Tiller
Embry	Henley	Melton	Tyson
Fanning	Howard	Moorer	Vарner
Ferrell	Howze	Moxley	Verner
Fite	Hubbard	Norman	Walker
Forman	Jeter	Odom	Wall
Gaines	Jones	Parker	Ware
Glenn	Kilborn	Poole	Mrs. Wilkins
Glover	Lee	Posey	Wyatt
Goode			

—65

H. 547. To provide for the relief of the Scottenn Coal, Inc., and to authorize the payment to it by the State Treasurer of the sum of \$70.47, the same having been heretofore erroneously collected by the State Tax Commission as franchise taxes for the year 1921.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Ways, Means and Appropriations, said committee substitute being as follows:

A BILL

H. 547. For the relief of Scottenn Coal, Inc., to pay it the sum of \$46.98 due it by the State of Alabama and the sum of \$23.49 due it by Jefferson county, Alabama, for franchise taxes erroneously collected by the State Tax Commission for the year 1921.

Whereas the State Tax Commission of Alabama did on the 23rd day of March, 1922, collect the sum of \$80.23 from Scottenn Coal, Inc., as franchise taxes for the year 1921; and

Whereas the State Tax Commission paid \$53.49 of the said sum into the State treasury and \$26.74 of said sum into the county treasury of Jefferson county, Alabama, as provided by law; and

Whereas such collection and disbursement was erroneous and the amount collected by the said State Tax Commission from the said taxpayer for the year 1921 should have been the sum of \$9.77, and the amount paid into the said State treasury should have been \$6.51 and the amount paid into the said county treasury should have been \$3.26, leaving a balance of \$46.98 due the said taxpayer by the State of Alabama and a balance of \$23.49 due the said taxpayer by Jefferson county, Alabama.

Now, therefore,

Section 1. Be it enacted by the Legislature of Alabama: That the State of Alabama owes Scottenn Coal, Inc., the sum of \$46.98.

Section 2. Be it further enacted, That Jefferson county, Alabama, owes Scottenn Coal, Inc., the sum of \$23.49.

Section 3. Be it further enacted, That the State Auditor be, and he is hereby authorized and directed to draw a warrant on the State Treasurer of the State of Alabama in favor of the said Scottenn Coal, Inc., for the said amount of \$46.98, payable out of any money in the State treasury not otherwise appropriated.

Section 4. Be it further enacted, That the president of the board of revenue of Jefferson county, Alabama, be and he is hereby authorized and directed to issue to Scottenn Coal, Inc., a warrant upon the treasury of Jefferson county, Alabama, in the sum of \$23.49, to be paid out of the general funds of said county.

And the substitute was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Howard	Poole
Allen	Glenn	Howze	Posey
Bealle	Glover	Jeter	Powell
Boykin	Goode	Jones	Ringer
Burns	Goodwyn	Lee	St. John
Burton	Graves	Letson	Sollie
Byars	Grove	Long	Tiller
Cato	Guy	Love	Tunstall
Coleman	Hall	Luck	Tyson
Cook	Hampton	Melton	Varner
Deloney	Hatter	Moorer	Verner
Dickinson	Hawkins	Moxley	Wall
Embry	Henley	Nichols	Walton
Fanning	Henson	Norman	Ware
Ferrell	Holcombe	Odom	Wyatt
Fite	Hornsby	Parker	Young
Forman			

—65

And the bill:

H. 547. To provide for the relief of the Scottenn Coal, Inc., and to authorize the payment to it by the State Treasurer of the sum of \$70.47, the same having been heretofore erroneously collected by the State Tax Commission as franchise taxes for the year 1921.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Byars	Gaines	Henson
Adams	Cato	Glenn	Hornsby
Adcock	Coleman	Glover	Howard
Allen	Cook	Graves	Howze
Ashcraft (Fayette)	Deloney	Grove	Hubbard
Ashcraft (Lauderd ¹)	Dickinson	Guy	Jones
Bealle	Dunwoody	Hall	Lee
Boykin	Elliott	Hampton	Letson
Burns	Embry	Hatter	Long
Burton	Fite	Henley	Love

Luck	Powell	Tiller	Wall
Moxley	Ringer	Tunstall	Walton
Nichols	St. John	Tyson	Ware
Odom	Sanders (Pike)	Varner	Mrs. Wilkins
Parker	Smith (Clay)	Verner	Wyatt
Poole	Sollie	Walker	Young
Posey			

—65

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of four hundred and thirty-two (\$432.00) dollars, for services rendered by him as clerk or secretary of the Alabama Public Service Commission.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Dickinson	Howard	Sanders (Pike)
Adcock	Fanning	Howze	Sessions
Allen	Ferrell	Hubbard	Smith (Jefferson)
Ashcraft (Fayette)	Fite	Jeter	Smith (Lee)
Ashcraft (Lauderd'e)	Forman	Jones	Snodgrass
Bealle	Gaines	Kilborn	Sollie
Blackwell	Goodwyn	Letson	Tiller
Boykin	Grove	McGowen	Tunstall
Burns	Guy	Melton	Verner
Burton	Hatter	Moxley	Walker
Byars	Hawkins	Norman	Ware
Calloway	Henley	Patterson	Williams
Cato	Henson	Ringer	Young
Cook	Hodgson	St. John	

—55

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin counties, Alabama; to direct the disposition of said funds by and within the several counties.

Was read a third time at length and passed.

Yeas, 55; Nays, 0.

Yeas:

Messrs:			
Mr. Speaker	Deloney	Hodgson	Patterson
Adcock	Dickinson	Holcombe	Pickens
Allen	Fanning	Howard	Posey
Ashcraft (Fayette)	Ferrell	Howze	Ringer
Bealle	Fite	Jeter	Sanders (Conecuh)
Blackwell	Forman	Jones	Sanders (Pike)
Bowen, L. K.	Gaines	Letson	Sessions
Boykin	Glover	Long	Smith (Jefferson)
Burns	Goodwyn	Luck	Smith (Lee)
Burton	Grove	McGowen	Stewart (Calhoun)
Byars	Guy	Melton	Tunstall
Calloway	Hampton	Mooneyham	Ware
Cato	Hatter	Moxley	Wyatt
Cook	Henson	Odom	

—55

H. 626. To authorize, empower, and require the commissioners court, board of revenue, or other court of like jurisdiction of Shelby county, Alabama, to pay to the sheriff of Shelby county, out of the funds of the county treasury of said county, the sum of ten dollars for each still or device captured, destroyed or confiscated in said county made, or used for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the county treasury of Shelby county on the presentation of claim by the sheriff of Shelby county having attached to the same an affidavit of said sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same.

Said payment to be made by warrant drawn against the county treasury by the commissioners court, board of revenue or other court of like jurisdiction, said warrant to be a preferred claim against the treasury of said county.

Was read a third time at length and passed.

Yeas, 65; Nays, 0. .

Yeas:

Messrs:

Mr. Speaker	Gaines	Letson	Rountree
Adams	Glenn	Long	Rutherford
Adcock	Glover	Love	St. John
Allen	Goode	Luck	Sessions
Bealle	Graves	Melton	Snodgrass
Blackwell	Grove	Moorer	Sollie
Boykin	Guy	Moxley	Tiller
Burns	Hatter	Nichols	Tyson
Burton	Henley	Norman	Varner
Byars	Henson	Odom	Verner
Cato	Howard	Parker	Wall
Cook	Howze	Pickens	Walton
Deloney	Jeter	Poole	Ware
Dickinson	Jones	Posey	Mrs. Wilkins
Dunwoody	Kilborn	Powell	Wyatt
Elliott	Lee	Ringer	Young
Embry			

—65

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Police-men's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to member of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants

against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Was taken up. Mr. Grove offered the following amendment to the bill:

Amend House bill 574 by adding thereto at the end of section 6 on the 4th page thereof, the following:

"Provided, however, that when said insurance companies pay to the municipalities, herein referred to, as license for doing business in said cities, a sum equal to four per cent of its net premiums, the said companies shall not be required to pay the amount herein provided to said pension and relief fund."

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Mr. Speaker	Gaines	Hubbard	Posey
Adcock	Glenn	Jeter	Powell
Allen	Glover	Jones	Ringer
Bealle	Goode	Kilborn	St. John
Boykin	Goodwyn	Lee	Sessions
Burns	Graves	Letson	Sollie
Burton	Grove	Long	Tiller
Byars	Guy	Love	Tunstall
Cato	Hall	Luck	Tyson
Cook	Hatter	Melton	Verner
Deloney	Hawkins	Moorer	Walker
Dickinson	Henley	Moxley	Wall
Elliott	Henson	Nichols	Walton
Embry	Hodgson	Odom	Ware
Ferrell	Howard	Parker	Wyatt
Fite	Howze	Poole	Young
Forman			

Mr. Grove offered the following amendment to the bill:

Amend section 27 of H. 574 so that said section 27 shall read as follows:

"Sec. 27. This Act shall apply to all those now or may hereafter be employed of the police or fire department in the respective cities governed by this Act, but payment of pensions hereunder shall not commence until July 1st, 1925."

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Howze	Ringer
Adams	Fanning	Jeter	Rountree
Adcock	Ferrell	Jones	St. John
Allen	Fite	Lee	Sessions
Bealle	Forman	Letson	Sollie
Blackwell	Gaines	Long	Tiller
Boykin	Glenn	Love	Tunstall
Burns	Glover	Luck	Tyson
Burton	Goode	Moxley	Varner
Byars	Grove	Nichols	Verner
Calloway	Guy	Norman	Walker
Cato	Hall	Odom	Wall
Cook	Hatter	Parker	Walton
Deloney	Henley	Poole	Ware
Dickinson	Henson	Posey	Wyatt
Dunwoody	Howard	Powell	Young
Elliott			

—65

And the bill:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Police-men's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to member of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein; to provide for the appropriation for funeral expenses upon

the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Howard	Parker
Adams	Fite	Howze	Poole
Adcock	Gaines	Hubbard	Posey
Allen	Glenn	Jeter	Powell
Bealle	Glover	Jones	Ringer
Blackwell	Goode	Kilborn	St. John
Bowen, Lewis	Graves	Lee	Sessions
Bowen, L. K.	Grove	Letson	Sollie
Boykin	Guy	Long	Tiller
Burns	Hall	Love	Tunstall
Burton	Hatter	Luck	Tyson
Byars	Henley	Melton	Varner
Cato	Henson	Moorer	Wall
Cook	Hodgson	Moxley	Ware
Elliott	Holcombe	Nichols	Wyatt
Embry	Hornsby	Odom	Young
Fanning			

—65

S. 164. To provide for the institution and prosecution of misdemeanors in the county court of Morgan county otherwise than by indictment by the grand jury, or by affidavit made before the judge of said court.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Boykin	Ferrell	Hatter
Adams	Burns	Fite	Henley
Adcock	Burton	Gaines	Henson
Allen	Byars	Glenn	Howard
Ashcraft (Fayette)	Cato	Glover	Howze
Ashcraft (Lauderd'e)	Cook	Goode	Jeter
Bealle	Dickinson	Graves	Jones
Blackwell	Dunwoody	Grove	Kilborn
Bowen, Lewis	Elliott	Guy	Lee
Bowen, L. K.	Embry	Hall	Letson

Long	Odom	Sessions	Verner
Love	Poole	Sollie	Walker
Luck	Posey	Tiller	Wall
Melton	Powell	Tunstall	Ware
Moorer	Ringer	Tyson	Wyatt
Moxley	St. John	Varner	Young
Nichols			

—65

INDEFINITELY POSTPONED.

On motion of Mr. Long H. 202 was indefinitely postponed.

BILL ON THIRD READING.

S. 11. To authorize and empower the council of cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dowdle	Howard	Sanders (Pike)
Adams	Elliott	Jeter	Sessions
Adcock	Embry	Jones	Smith (Clay)
Ashcraft (Fayette)	Fanning	Kilborn	Smith (Jefferson)
Ashcraft (Lauderda'e)	Fite	Letson	Snodgrass
Bealle	Forman	Luck	Sollie
Blackwell	Gaines	Mooneyham	Stewart (Bibb)
Bowen, Lewis	Glenn	Norman	Stewart (Calhoun)
Bowen, L. K.	Goode	Odom	Tiller
Boykin	Goodwyn	Parker	Tunstall
Burns	Grove	Patterson	Tyson
Burton	Hall	Pickens	Verner
Byars	Henson	Posey	Walker
Cook	Hodgson	Ringer	Wall
Deloney	Holcombe	Rutherford	Ware
Dickinson	Hornsby	St. John	Young

—64

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 371. To amend section 5896 of the 1907 Code of Alabama.

Also:

H. 397. To rearrange and redistrict the commissioner's court districts of Pickens county, Alabama.

Also:

H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county,

having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

Also:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

J. E. Speight,
Secretary.

ADJOURNMENT.

On motion of Mr. Tunstall the House adjourned until Thursday, Aug. 16th, at 10 o'clock A. M.

THIRTY-SECOND DAY.

House of Representatives,
Thursday, August 16th, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Brubaker of Ensley.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Mr. Speaker	Boykin	Dickinson	Goode
Adams	Burns	Dunwoody	Goodwyn
Adcock	Burton	Elliott	Graves
Allen	Byars	Embry	Grove
Arrington	Calloway	Fanning	Guy
Ashcraft (Fayette)	Cato	Ferrell	Hall
Ashcraft (Lauderdale)	Christian	Fite	Hampton
Bealle	Coleman	Forman	Hatter
Blackwell	Cook	Gaines	Hawkins
Bowen, Lewis	Culver	Glenn	Henley
Bowen, L. K.	Deloney	Glover	Henson

Hodgson	McDaniel	Ringer	Thompson (Etowah)
Holcombe	McGowen	Rountree	Thompson (Jackson)
Hornsby	Melton	Rutherford	Tiller
Howard	Mooneyham	St. John	Tunstall
Howze	Moorer	Sanders (Conecuh)	Tyson
Hubbard	Moxley	Sanders (Pike)	Varner
Jeter	Nichols	Sessions	Verner
Jones	Norman	Smith (Clay)	Walker
Kilborn	Odom	Smith (Jefferson)	Wall
Kilpatrick	Parker	Smith (Lee)	Walton
Lee	Patterson	Snodgrass	Ware
Letson	Pickens	Sollie	Williams
Long	Poole	Stewart (Bibb)	Wyatt
Love	Posey	Stewart (Calhoun)	Young
Luck	Powell		

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A quorum was present.

LEAVE OF ABSENCE.

Was granted to Messrs. Dowdle, LeMaistre, Rives and Mrs. Wilkins for today.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee has carefully examined the Journal of the House for the Thirty-First Legislative Day and finds same correct.

O. W. Melton,
Chairman.

The report of the Committee was concurred in and adopted and the Journal for the Thirty-First Legislative Day was approved.

RECOMMITTAL OF BILL.

On motion of Mr. Long, the bill:

H. 284. To amend an act of the Legislature of Alabama approved August 12th, 1915, entitled "An Act to amend Section 2044 of the Code of 1907 of Alabama."

Was recommitted to the Standing Committee on Pensions and Soldiers' Home.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 175. To amend sections 5, 12, and 13 of an act entitled, "To establish and provide for state-wide eradication of the cattle fever tick (*margaropus-annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals approved," approved February 7, 1919.

Also:

H. 351. To fix the salary of the deputy solicitor for Escambia county, Alabama, and to provide for the manner of payment of the same.

Also:

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin Counties, Alabama; to direct the disposition of said funds by and within the several counties.

Also:

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of four hundred and thirty-two (\$432.00) dollars, for services rendered by him as clerk or secretary of the Alabama Public Service Commission.

Also:

H. 519. To amend an Act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

Also:

H. 534. To provide for the relief of H. W. Slaughter, of Baldwin county, Alabama.

Also:

H. 547. For relief of Scottenn Coal, Inc., to pay it the sum of \$46.98 due it by the state of Alabama, and the sum of \$23.49 due it by Jefferson county, Alabama for franchise taxes erroneously collected by the State Tax Commission for the year 1921.

Also:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear

and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provisions of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Also:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Also:

H. 614. To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Also:

H. 626. To authorize, empower, and require the commissioners court, board of revenue, or other court of like jurisdiction of Shelby county, Alabama, to pay to the sheriff of Shelby county, out of the funds of the county treasury of said county, the sum of ten dollars for each still or device captured, destroyed or confiscated in said county made, or used for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the county treasury of Shelby county on the presentation of claim by the sheriff of

Shelby county having attached to the same an affidavit of said sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same.

Said payment to be made by warrant drawn against the county treasury by the commissioners court, board of revenue or other court of like jurisdiction, said warrant to be a preferred claim against the treasury of said county.

Lee Glenn,
Chairman.

The report of the Committee on Engrossed Bills was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission and to fix his salary as such clerk and the manner of its payment.

S. 11. To authorize and empower the council of cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

S. 164. To provide for the institution and prosecution of misdemeanors in the County Court of Morgan County otherwise than by indictment by the Grand Jury, or by affidavit made before the Judge of said Court.

S. 167. To authorize the Board of City Commissioners of the City of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th Street on the south.

S. 268. To establish an inferior court in Precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to

define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

S. 166. To authorize the Board of City Commissioners of the City of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said City described, as follows: That part of 25th Avenue, or Washington Street, in said City, which lies between the north margin of 4th Street, or Pine Street, on the South, and Greensboro Avenue, or the River Hill Road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine Street, on the south, and the property known as the River Margin, on the north; that part of 27th Avenue, or Franklin Street, in said City, which lies between the north margin of 4th, or Pine Street, on the south, and the property known as the River Margin, on the north; that part of 3rd Street, or Spring Street, in said City, which lies between the East Margin of 28th Avenue, or Jackson Street, on the West, and the West Margin of Greensboro Avenue, or the River Hill Road, on the East; that part of 36th Avenue, or Main Street, in said City, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th Street, or Richmond Street, on the south; that part of 37th Avenue, or Alabama Street, in said City, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th Street, on the south; that part of 38th Avenue, or Choctaw Street, in said City, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south; that part of 4th Street, or Spring Street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw Street, on the west, and the western boundary line of 35th Avenue, or Bay Street, on the east; that part of 5th

Street, or Richmond Street, in said City, which lies between the east line of 38th Avenue, or Choctaw Street, on the West, and the west line of 36th Avenue, or Main Street, on the east; that part of 6th Street, or Tippecanue Street, in said City, which lies between the east line of 38th Avenue, or Choctaw Street, on the west, and the west line of 36th Avenue, or Main Street, on the east; that certain alley in said City which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original Survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original Survey of Newtown; that certain alley in said City which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original Survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original Survey of Newtown; that certain alley in said City, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original Survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original Survey of Newtown; that certain alley, in said City, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original Survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original Survey of Newtown; that certain alley, in said City, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said City, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said City, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said City, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said City, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd Avenue, or Oriental Street, in said City, which lies between the south mar-

gin of 10th Street, or Olive Street, on the north, and the north margin of Crescent City Avenue, or 15th Street on the south.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution, and sends same herewith to the House:

By Mr. Waddell:

S. J. R. 120. Be it resolved by the Senate of the State of Alabama, the House concurring, that the bridging of navigable streams is of more than local concern, being of national moment as to travel, commerce and military defense, and that the Alabama Delegation in Congress is requested to have embodied in the next Federal Aid Act for roads, the bridging of navigable streams as a part of the basis of distribution of Federal Aid money among the several States.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. No. 120 set out in the above and foregoing message from the Senate was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Foster:

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Public Health, S. 171.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 286. To provide for the election of a county superintendent of education for Butler county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long the House concurred in and adopted the Senate amendment to the bill H. 286. Said Senate amendment being as follows:

Amend Section three of House Bill No. 286, so that said Section three shall read as follows:

Section Three: That the salary of said Superintendent of Education shall be fixed by the County Board of Education of Butler County, Alabama, which salary shall not be less than \$1,800.00 nor more than \$3,000.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of County Superintendents of Education in the several Counties of the State.

Amend Section Four of House Bill No. 286, so that said Section four shall read as follows:

Section 4. That said County Superintendent shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State of Alabama in the conduct of the office of the County Superintendent of Education; and no person shall be eligible for political party nomination to the office of County Superintendent of Education of said county who does not as now required hold an Alabama

Certificate in Administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade, or holds a certificate of graduation from a Class A College or University and three years of successful teaching experience; that no person shall be eligible to such office who is not a qualified elector of Butler County, Alabama, at the time of the nomination or election to such office.

Mr. Jones of Conecuh offered the following amendment to said committee amendment, to-wit:

Amend Committee Amendment to House Bill No. 286, as follows:

By striking out the words, "or holds a certificate of graduation from a Class A College or University and three years of successful teaching experience" and insert in lieu thereof the following: "and proof of three years of successful teaching experience; provided, that if no person meeting these requirements qualifies for nomination and election as provided in this Act, the County Board of Education shall appoint a superintendent of education as provided by general law regulating the appointment of superintendents."

Yeas, 77; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Jeter	Powell
Adams	Ferrell	Jones	Ringer
Adcock	Forman	Kilborn	Rountree
Allen	Gaines	Kilpatrick	Rutherford
Arrington	Glenn	Lee	Sanders (Pike)
Ashcraft (Fayette)	Glover	Letson	Sessions
Bealle	Goode	Long	Smith (Clay)
Blackwell	Goodwyn	Love	Snodgrass
Bowen, L. K.	Graves	Luck	Sollie
Boykin	Guy	McGowen	Tiller
Burns	Hall	Melton	Tunstall
Burton	Hatter	Moorer	Tyson
Calloway	Henley	Moxley	Verner
Christian	Henson	Nichols	Walker
Cook	Hodgson	Norman	Wall
Culver	Holcombe	Odom	Walton
Deloney	Hornsbv	Parker	Ware
Dunwoody	Howard	Poole	Wyatt
Elliott	Hubbard	Posey	Young
Embry			

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bills and returns same herewith to the House:

H. 410. To provide for the election of the county superintendent of education of and for Conecuh county, Alabama, by the

qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Sanders of Conecuh the House concurred in and adopted the Senate amendment to the bill H. 410. Said Senate amendment being as follows:

Amend section one of said bill by striking all that part of said section after the word "qualified," in the 13th line thereof and inserting in lieu thereof the following: That said County Superintendent of Education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State in the conduct of the office of County Superintendent of Education. No person shall be eligible for political party nomination or for election to the office of County Superintendent of Education of said county who does not as now required hold an Alabama certificate in Administration and Supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that, if no person meeting these requirements qualifies for nomination and election as provided in this Act, the County Board of Education shall appoint a county superintendent of education as provided by the general law regulating the appointment of superintendents.

Amend Section two of House Bill No. 410 by striking out the words: "Twenty-four hundred dollars (\$2400.00) per year" where they appear in said section two, and insert in lieu thereof the following: "Fifteen Hundred Dollars (\$1500.00) per year nor more than Three Thousand Dollars (\$3000.00) per year."

Yeas, 78; nays, 0.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Fayette)

Bealle

Blackwell

Bowen, L. K.

Boykin

Burns

Burton

Byars

Cato

Coleman

Cook

Culver	Hall	Melton	Sessions
Dickinson	Hatter	Moorer	Smith (Clay)
Dunwoody	Henley	Moxley	Smith (Lee)
Elliott	Henson	Nichols	Snodgrass
Embry	Helcombe	Norman	Sollie
Fanning	Howard	Odom	Stewart (Calhoun)
Ferrell	Howze	Parker	Tiller
Forman	Hubbard	Pickens	Tyson
Gaines	Jeter	Poole	Verner
Glenn	Jones	Posey	Walker
Glover	Kilpatrick	Powell	Wall
Goode	Lee	Ringer	Walton
Goodwyn	Letson	St. John	Ware
Graves	Long	Sanders (Conecuh)	Wyatt
Grove	Love	Sanders (Pike)	Young
Guy	Luck		

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And on motion of Mr. Long the House concurred in and adopted the Senate amendment to the bill H. 152. Said Senate amendment being as follows:

Amend section three as follows: By adding thereto the following: Provided that all vacancies in the office of County Treasurer shall be filled by appointment of the Governor.

Yeas, 82; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Kilborn	Powell
Adams	Forman	Kilpatrick	Ringer
Adcock	Glenn	Lee	Rountree
Allen	Glover	Letson	St. John
Bowen, Lewis	Goode	Long	Sanders (Pike)
Bowen, L. K.	Goodwyn	Love	Sessions
Boykin	Graves	Luck	Smith (Clay)
Burns	Grove	McGowen	Smith (Lee)
Burton	Guy	Melton	Snodgrass
Byars	Hall	Mooneyham	Sollie
Cato	Hatter	Moorer	Stewart (Calhoun)
Christian	Hawkins	Moxley	Tiller
Coleman	Henley	Nichols	Tyson
Cook	Henson	Norman	Verner
Culver	Hodgson	Odom	Walker
Deloney	Hornsby	Parker	Wall
Dunwoody	Howard	Patterson	Walton
Elliott	Howze	Pickens	Ware
Embry	Hubbard	Poole	Williams
Fanning	Jeter	Posey	Young
Ferrell	Jones		

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RESOLUTIONS.

The following resolutions were introduced:
By Mr. Goodwyn:

H. J. R. 107. Whereas, the service rendered to the United States by our American homes is the supreme source of our country's strength and inspiration; and,

Whereas, we honor ourselves, our homes, state and nation when we do anything to give emphasis to the home as the fountain head of the State; and,

Whereas, the American mother has done, and is doing, so much for the home, the moral and industrial uplift and religion, hence so much for good government, patriotism, humanity and religion; therefore,

Be it resolved by the House, the Senate concurring, that the Governor of this State is hereby authorized and requested to issue annually a Proclamation calling upon our State Officials to display the United States flag on all State and school buildings, and the people of the State to display the flag at their homes, lodges, churches, places of business and other suitable places, on the

Second Sunday in May, Known as MOTHER'S DAY, founded by Anna Jarvis of Philadelphia, Pa., as a public expression of love and reverence for the homes of our State, especially for their mothers and other patriotic women therein, and that the Governor urge the celebration of MOTHER'S DAY in said Proclamation in such a way as will deepen home-ties, and inspire better homes and closer unions between the commonwealth, its homes, and their sons and daughters.

On motion of Mr. Goodwyn the rules were suspended and the resolution was adopted.

By Mr. Culver:

H. J. R. 108. Whereas, the several educational institutions in Alabama have responded to requests from the Veterans' Bureau, formerly the Federal Board for Vocational Education, in providing training facilities so far as such facilities were available for the training of ex-service men, and

Whereas, the Veterans' Bureau has provided these institutions with some additional equipment necessary for the training of such men, and now that the number of trainees is rapidly diminishing and those left are being assembled at concentrated points, thereby making it unnecessary for such State institutions to provide for the training, and

Whereas, there remains in such institutions equipment of various kinds which was used in the Veterans' Bureau training program, be it resolved:

First: That the attention of the Governor of Alabama be called to the fact that such equipment is the property of the United States Government and is subject to removal after contracts for training courses are no longer effective;

Second: That the Governor be requested to petition the proper authorities requesting that such equipment be donated to the co-operating institutions, or, if it is inconsistent with the

policy of the Veterans' Bureau to donate this equipment, to offer it for sale to the institution at a minimum cost.

On motion of Mr. Culver the rules were suspended and the resolution was adopted.

Rules Committee:

H. R. 109. Resolved, that House Bill No. 192, To regulate the sale, giving away, or other disposition of drugs, medicines or poisons in this State, etc., be made a special order for Friday at 11 o'clock A. M.

And the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hodgson:

H. 667. To make appropriations to the State Normal School for white teachers, at Daphne, Alabama.

Education.

By Mr. Moxley (with notice and proof):

H. 668. To provide additional duties and confer additional powers on each member of the court of county commissioners of Crenshaw County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district; to extend the time now allowed by law to county commissioners of Crenshaw County for the discharge of their official duties and to fix their salary and mileage.

Local Legislation.

Notice and proof H. 668:

NOTICE.

To those it may concern: Notice is given that a bill will be introduced in the approaching session of the Legislature of Alabama which will convene on or about July 10, 1923, for the purpose of being enacted into a law which is for the purpose of conferring upon each County Commissioner of Crenshaw County the duties of Road Superintendent over each and every public road within his respective district; and to allow each County Commissioner twenty days' additional time within each year for the purpose of performing such duties during which time so engaged they shall receive the same mileage and per diem as while engaged in holding court.

Respectfully submitted,
J. B. Moxley.

State of Alabama, }
Crenshaw County. }

Before me, a Notary Public in and for said County and State, personally appeared J. C. McLendon, editor of the Luverne Journal, a newspaper published weekly at Luverne, Crenshaw County, who being duly

sworn, said that the attached notice of bill was published for four consecutive issues from July 19, July 26, August 2nd and August 9th, 1923.

J. C. McLendon,
Editor.

Sworn and subscribed to this 14th day of August, 1923.

Wilkie Pope,
Notary Public.

By Mr. St. John:

H. 669. An Act to amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama; to establish and create a State commission of forestry to consist of the governor a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund.

Judiciary.

By Mr. Howze (By request):

H. 670. To amend subdivision 96½ of section 361 of an Act to provide for the general revenue of the State of Alabama, approved September 15, 1919.

Ways, Means and Appropriations.

By Mr. Jeter:

H. 671. To require certificate of decree of divorce, whether complainant or defendant, or certificates of decree granting the right to re-marry to defendant in any divorce proceedings, to be filed with Judge of Probate by all parties applying for marriage license that have or may hereafter be divorced.

Judiciary.

By Mr. Coleman:

H. 672. To provide for the sale or lease of any waterworks, electric or gas plant owned by any municipal corporation in this State.

Municipal Organization.

By Mr. Kilborn:

H. 673. To amend Section 3, Section 4, Section 5, Section 7, Section 11, and Section 12 of an Act entitled "An Act authorizing and regulating certain classes of indemnity contracts, em-

powering corporations to make such contracts, and fixing certain fees and penalties for violation thereof, approved August 25, 1915."

Banking and Insurance.

By Mr. Walton (By request) :

H. 674. To amend section 7 of an act entitled an act to regulate the practice of public accountancy by creating a State Board of public accountancy, fixing its fees and emoluments; to prohibit the unlawful use of words, letters or other means of identification by unauthorized persons, as certified public accountants under this act, and to provide penalties for the violation of its provisions, approved February 17, 1919.

Revision of Laws.

By Mr. Blackwell (with notice and proof) :

H. 675. Empowering the Clerk of the Circuit Court in the County of Monroe to issue capiases for the arrest of persons charged with misdemeanors in the County Court of said County and empowering said Clerk to issue other process out of said County Court, such as forfeiture Sci Fas, Attachment of Witnesses, etc., and to provide compensation for said services.

Local Legislation.

Notice and proof H. 675 :

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, which convenes in July, 1923, empowering the Clerk of the Circuit Court of Monroe County, Alabama to issue capiases for the arrest of persons charged with misdemeanors in the County Court of said County, and empowering said Clerk to issue other process out of said County Court, such as forfeiture sci fas, attachment of witnesses, etc., and to provide compensation for said services.

PROOF OF PUBLICATION.

I, Q. Salter, Editor and owner of the Monroe Journal, a weekly newspaper published at Monroeville, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit: July 5, 1923, July 12, 1923, July 19, 1923, July 26, 1923.

Q. Salter,

Editor and Owner, Monroe Journal.

Subscribed and sworn to before me this 11th day of August, 1923.

M. R. Sowell,

Clerk Circuit Court of Monroe County, Alabama.

By Mr. Patterson :

H. 676. To regulate assignments of wages.

Revision of Laws.

By Mr. Grove:

H. 677. To revise and amend Chapter 20 of the Code of 1907.
Game, Fish and Forestry Preservation.

By Mr. Luck (By request):

H. 678. To amend Section Five of an Act of the Legislature of Alabama, General Acts 1915, page 817, approved September 25th, 1915, entitled "An Act to provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensation."

Judiciary.

By Mr. Luck (By request):

H. 679. To amend Section Three of an Act to provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority, and fix their compensation, approved September 25, 1915, to read as follows:

Judiciary.

By Mr. Elliott:

H. 680. To revise and amend Chapter 224 of the Code of 1907.

Game, Fish and Forestry Preservation.

By Mr. Embry (with notice and proof):

H. 681. To prohibit horses, mules, jacks, jennetts, cows, sheep, goats, hogs or other domestic animals from running at large in precinct numbered Seventeen, in St. Clair County, Alabama; to provide for the collection of damages caused by any such stock running at large in said precinct, from the owner or manager of such stock, and to punish the owner or manager of any such stock who shall knowingly suffer such stock to run at large in said precinct, in said county.

Local Legislation.

Notice and proof H. 681:

LEGAL NOTICE.

Notice for the introduction at the next sitting of the Legislature for the passage of an act, prohibiting stock from running at large in precinct numbered seventeen, St. Clair County, Alabama.

To whom it may concern:

You will take notice that a bill will be introduced in the Legislature of Alabama when it convenes in July, 1923, to prohibit horses, mules, jacks, jennetts, cows or cattle of any kind, hogs, sheep or goats from running at large in said precinct; to make the owner of any such animal, who suffers the same to run at large on the land of another, liable for damages committed by such stock; to provide for the manner of collecting the damages

committed by such stock running at large against the owner, and to create a lien upon such stock for such damages; to authorize the taking up of stock when found running at large, the manner of giving notice to the owner of such stock, when known, when taken up; to fix the compensation for the taker-up of any such animal or animals, and the care and keep of the same; to provide for the recovery of damages for stock running at large when the owner of the same is not known; to provide for the right of appeal from judgments in all cases rendered for damages to property by stock running at large; to make it a misdemeanor for the owner or manager of any such stock who shall knowingly suffer or permit the same to run at large, and to fix the penalty in case of conviction; to give the Justice of Peace jurisdiction of prosecutions against persons violating said act, and to repeal all laws or parts of laws in conflict with said act.

Pell City, Alabama, July 7, 1923.

I hereby certify that the notice for the introduction at the next sitting of the Legislature for the passage of an act, prohibiting stock from running at large in precinct number seventeen (17), St. Clair County, Alabama, was published in the Pell City News, a newspaper published at Pell City, St. Clair County, Ala., for four consecutive weeks on the following dates: June 6-14-20-27, 1923. A clipping of said notice is hereto attached.

F. W. White,
Publisher.

Sworn to and subscribed before me this 7th day of June, 1923.

Frank B. Embry,
Notary Public.

By Mr. Embry (with notice and proof):

H. 682. To make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one inch apart for the purpose of taking or catching fish in that part of the Coosa River that lies within St. Clair County, Alabama, and to further regulate the operation of such traps.

Local Legislation.

Notice and proof H. 682:

AN ACT.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama. The substance of which is as follows:

To be entitled an Act to make it lawful for any person, or persons, to use fish traps with fingers or slats not less than one inch apart for the purpose of taking or catching fish in that part of the Coosa River that lies within St. Clair County, Alabama, and to further regulate the operation of such traps.

Pell City, Alabama, August 11, 1923.

This is to certify that a bill to be entitled an act, regarding fish traps on Coosa River in St. Clair County was published in The Pell City News, a newspaper published in Pell City, St. Clair County, Alabama, for four (4) consecutive weeks, commencing July 11th and ending August 1st, inclusive. A copy of which is hereto attached.

F. W. White,
Publisher.

Sworn to and subscribed before me this Eleventh day of August, Nineteen Hundred and Twenty-Three.

Frank B. Embry,
Notary Public.

By Mr. Embry:

H. 683. To provide that any person who may have the right or license to practice medicine in the State of Alabama, taken away from him by the State of Alabama, or by any Board, Commission or Body created by the Legislature of the State of Alabama, on account of the commission of a crime, shall have such right or license to practice medicine in the State of Alabama, restored to him upon his being pardoned of such crime and his rights of citizenship restored, and to provide that any person who may have heretofore had the right or license to practice medicine in the State of Alabama, and may have heretofore had such right or license taken away from him, or his license to practice medicine cancelled or withdrawn because of his conviction for crime, and who may have been pardoned of such crime, and his rights to citizenship restored, shall have the right or license to practice medicine in the State of Alabama, without application to any Board, Commission or Body authorized to grant such right or license in the State of Alabama.

Revision of Laws.

By Mr. Embry:

H. 684. To provide any person, firm or corporation, owning or operating a hospital in Alabama, shall receive credit upon all amounts due for taxes to the State of Alabama, to any County or counties in Alabama, and to any municipality or municipalities in the State of Alabama, for charitable work that may have been done during any tax year, in the State of Alabama.

Ways, Means and Appropriations.

By Mr. Fanning (with notice and proof):

H. 685. To prescribe the duties and fix the compensation of the Deputy Solicitor for Walker County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Local Legislation.

Notice and proof H. 685:

NOTICE.

Notice is hereby given that application will be made to the present session of the Alabama Legislature to pass a bill substantially as follows:

A bill to be entitled an Act to prescribe the duties and fix the compensation of the Deputy Solicitor for Walker County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That it shall be the duty of the Deputy Solicitor of Walker County, Alabama, to represent the State in all cases in the County Court and inferior courts, and all preliminary proceedings, applications for bail and habeas corpus proceedings in all courts, aid or act for the Circuit Solicitor before the grand jury and in all matters in the Circuit Court and perform all duties of the Circuit Solicitor in his absence; also to attend Coroner's inquest and represent the State on such inquest and after an examination of witnesses before the Coroner's inquest to select such wit-

nesses as in his judgment should appear before the grand jury or on any preliminary or habeas corpus growing out of an arrest as a result of such Coroner's inquest; the Deputy Solicitor shall also have power to issue subpoenas for witnesses to attend the grand jury.

Section 2. That the salary of the Deputy Solicitor for county court of Walker County, Alabama, be, and the same is hereby fixed at the sum of \$2400.00 per annum, which shall be payable out of the county treasury of Walker County, Alabama, in monthly installments of \$200.00 each.

Section 3. The Judge of Probate of Walker County is hereby directed to issue a warrant on the Treasury of Walker County, Alabama, for the sum of \$200.00 on the first day of August, 1923, payable to the Deputy Solicitor of Walker County for his salary, and to issue a like warrant for the same amount on the first day of each month thereafter for the same purpose.

Section 4. All laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

M. E. Nettles.

State of Alabama, }
Walker County. }

Before me, a notary public in and for said State and County, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn, deposes and says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks as follows: July 18th, 25th, August 1st and 8th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me this 10th day of August, 1923.
(Seal)

Steve Cranford,
Notary Public.

By Mr. Posey (with notice and proof) :

H. 686. To provide for the holding of jury and non-jury terms of the County Court of Winston County; to provide for the times and places of holding such court; to define its powers and jurisdiction; prescribing rules and procedure of said court; to provide for appeals from said court; to require the transfer to this court of all misdemeanors now or hereafter pending in the Circuit Courts of Winston County, Alabama; to provide for the drawing, summoning and fixing the compensation of juries for said court; to provide a judge, solicitor, clerk and other necessary officers for said court; define their powers and duties and fix their compensation.

Local Legislation.

Notice and proof H. 686 :

NOTICE.

Notice is hereby given of the intention to introduce in the coming session of the Legislature of Alabama a bill, in substance as follows:

A bill to be entitled an Act to provide for the holding of jury terms and non-jury terms of the County Court of Winston County, Alabama; to provide for the times and places of holding such court; to define its powers and jurisdiction, prescribing rules and procedure of said court; to provide for appeals from said court, to require the transfer to this court of all

misdemeanors now or hereafter pending in the Circuit Courts of Winston County, Alabama; to provide for the drawing, summoning and fixing the compensation of juries for said court; to provide a judge, solicitor, clerk and other necessary officers for said court; define their powers and duties and fix their compensation.

The State of Alabama, }
Winston County }

Before me, the undersigned authority in and for the said County and State, personally appeared G. W. Adkins, who, being by me first duly sworn, deposes and says on oaths: "That he is editor and publisher of the Winston Herald, a weekly newspaper of general circulation in the County of Winston and State of Alabama; that the foregoing and hereto attached notice was published for four successive weeks in the said Winston Herald on the following dates, to-wit: June 29th, 1923; July 6th, 1923; July 13th, 1923, and July 20th, 1923."

Geo. W. Adkins.

Sworn to and subscribed before me this 25th day of July, 1923.
(Seal)

H. E. Perry,
Notary Public.

By Mr. Posey (with notice and proof) :

H. 687. To abolish the offices of Justices of the Peace and Notary Public Ex-Officio Justice of the Peace in Beat 2, Winston County, Alabama; to confer civil and equitable jurisdiction on the County Court of said County; to define its jurisdiction and to regulate proceedings therein; to provide for its officers and to enumerate their powers, duties and authorities and fix their compensation; to provide for procedure in said court and appeals therefrom and the way and manner in which appeals may be taken; to provide for jury and non-jury trials; to fix the time and places of holding said court and fix the costs, fees and charges to be taxed, assessed and collected in said court.

Local Legislation.

Notice and proof H. 687:

NOTICE.

Notice is hereby given of the intention to apply to the present session of the Legislature of the State of Alabama for the passage of an Act in substance as follows:

A bill to be entitled an Act to abolish the offices of Justices of the Peace and Notary Public Ex-Officio Justice of the Peace in Beat 2, Winston County, Alabama; to confer civil and equitable jurisdiction on the County Court of said County; to define its jurisdiction and to regulate proceedings therein; to provide for its officers and to enumerate their powers, duties and authority and fix their compensation; to provide for procedure in said court and appeals therefrom and the way and manner in which appeals may be taken; to provide for jury and non-jury trials, to fix the time and places of holding said court and fix the costs, fees and charges to be taxed, assessed and collected in said court.

The State of Alabama, }
Winston County }

Before me, the undersigned authority in and for said County and State, personally appeared E. P. Lakeman, who, being by me first duly sworn,

deposes and says: That he is editor and publisher of the Haleyville Advertiser, a newspaper of general circulation in Winston County, Alabama, located at Haleyville in said County and State; that the foregoing and hereto attached notice was duly published in said Haleyville Advertiser for four consecutive and successive weeks, to-wit: July 12th, 1923; July 19th, 1923; July 26th, 1923, and August 2nd, 1923.

E. P. Lakeman.

Sworn to and subscribed before me this 4th day of August, 1923.

Chester Tubb,

Notary Public.

By Mr. Howze:

H. 688. To authorize cities within the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census, to compel the construction and maintenance of subways, viaducts and bridges and their approaches, under or over and across railroad or street railroad tracks within the city limits, to apportion the cost thereof and to provide for the vacation of streets and highways, or parts of either in connection therewith; to provide remedies for the enforcement of and appeals from ordinances passed under authority of this Act.

Municipal Organization.

BILLS ON SECOND READING.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 40. To provide for the registration of trade marks and to provide punishment for any infringements thereof.

H. 503. To provide and regulate further appeals to the Supreme Court from interlocutory judgments, decrees and orders.

H. 584. To amend insofar as it applies to Crenshaw County an act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State," approved August 31, 1909.

H. 634. To fix the compensation of Deputy Clerks of the Circuit Court, holding office and performing the duties of Circuit Clerks at any place other than the County site of such County, of all Counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent Federal census.

H. 640. To require the recording of contracts of consignment, sales on consignment and consignments of personal prop-

erty so as to make the same valid as to mortgages, judgment creditors and bona fide purchasers without notice.

H. 659. To amend the title, and Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities," approved February 19, 1919, found in the General Acts of Alabama, 1919, pages 155 to 163, inclusive.

S. 178. To amend section 6918 of the Code of 1907.

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

S. 330. To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 603 (with amendment). To authorize Courts of County Commissioners and Boards of Revenue in the several counties of this State to deposit any funds arising from any special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to deposit them in some solvent savings bank in the State of Alabama in the name of the County, or to invest the same in interest bearing securities issued by the United States Government or by the State of Alabama.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 604. To amend Section 5534 of the Code of Alabama of 1907.

S. 328. To amend act number 679, approved September 30th, 1919, entitled "an act to secure to persons the right of way over lands of other persons."

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 478. To pay the town of Livingston for a school building and lot conveyed by said town of Livingston to the State of Alabama for the State Normal School located at Livingston and which has not been paid for.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 201 (with substitute). To provide for the care, use and investment of State Sinking Funds for the payment of State Bonds or other State obligations.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 187. To fix and regulate the compensation of the judges of the juvenile courts in counties in the State having more than two hundred thousand population according to the last or any subsequent Federal Census, and to provide for the payment of such compensation.

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1010.00, payable to him, issued by the Board of Revenue of Jefferson County, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

H. 629. To close and abandon a portion of Eleventh Avenue in the City of Sheffield in the County of Colbert and State of Alabama:

H. 630. To close and abandon certain described portions of streets, avenues and alleys in the City of Sheffield and County of Colbert:

H. 645. To provide for the working of county convicts on the public roads of Morgan County, Alabama. To provide penalty to be insubordinate or to attempt to escape and to provide how convicts shall be released and to authorize the Road Superintendent of Morgan County to lease convicts of other counties.

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan Coun-

ty, Alabama, so as to create a superintendent of roads for Morgan county, Alabama, to be known as the road superintendent; to provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan County; to prescribe and define his powers and duties as such Road Superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the Superintendent to take charge of all public road tools and machinery belonging to the County; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the County; to authorize the Superintendent of Roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries, to fix penalties for the violation of this Act; to provide for the election and the term of office of the Road Superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the Road Superintendent by the Grand Jury of Morgan County; provide for the keeping of the Road Superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the Road Superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

H. 651. To establish in precinct nine in Covington County, Ala., an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

H. 652. To repeal an Act entitled "An Act" To provide for the more efficient construction and maintenance of Public Roads and Bridges of Crenshaw County; to provide for the election of a County Engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the Commissioners Court under this act; to provide revenue for the roads and bridges of the county; to levy a commutation fee of five dollars in lieu of road work; to levy a vehicle license tax for road

purposes; to prescribe the duties of the tax assessor, tax collector, probate judge and sheriff under this Act and to fix their compensation; to provide for the assessment and collection of the taxes under this act; to provide for the punishment of persons violating the provisions of this act; to provide for the disposition of fines and forfeitures collected under this act and for the hire of county convicts under this act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of the county. Approved September 25th, 1919.

S. 236. To fix the salary of the deputy solicitor of Macon County at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof:

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

H. 590 (without recommendation). To fix the compensation or salary of Sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the method, basis and payment of such compensation.

Mr. Sollie, Chairman of the Standing Committee on Municipal Organization, reported that said Committee in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 620. To vacate the charter of the City of Albany, Alabama.

H. 621. To alter or rearrange the boundaries of the City of Decatur, Alabama.

H. 622. To create a board of education for the enlarged territory of the City of Decatur, Alabama.

H. 623. To provide a form of government for the City of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

H. 624. Requiring the City of Decatur to assume all liabilities of every kind whatsoever outstanding against the City of Albany, and vesting in the City of Decatur all property of every kind whatsoever, owed by the City of Albany, and conferring upon the City of Decatur the right to defend all actions against the City of Albany, and to prosecute all suits pending in the name of the City of Albany, and to carry out street improve-

ments or other public improvements already begun by the City of Albany.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 527. To limit the amount of licenses or license tax to be paid by fire insurance companies to municipalities, and payments or contributions required to be made to firemen's pension or relief funds.

S. 260. To amend Section 21 of an Act entitled "An Act to amend Sections 1 and 2 and 5 of An Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45, and 46, and to repeal Sections 31 and 32 of An Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915.

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a state banking corporation.

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

S. 302. To provide how Fraternal Societies organized under laws of this State may consolidate, merge or reinsure its Insurance Risks, with any other Fraternal Benefit Society, or assume or reinsure the risks of any other Fraternal Benefit Society, and to provide penalties for the violation of the provisions thereof.

Mr. Howze, Chairman of the Standing Committee on Mining and Manufacturing, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 389. To authorize the leasing of lands owned by minors and persons of unsound mind for the purpose of exploring for oil or gas.

H. 390. To authorize the leasing of lands owned by non-resident minors and persons of unsound mind for the purpose of exploring for oil or gas.

Mr. Howze, Chairman of the Standing Committee on Mining and Manufacturing, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 272 (with substitute). To regulate the practice of Architects, Civil Engineers, Chemical Engineers, Electrical Engineers, Mechanical Engineers, Mining Engineers, Metallurgical Engineers, Naval Architects, Marine Engineers, and Land Surveyors; to create a State Board of Registration with general control and supervision of such regulations; to provide fees and expenses for such Board and to fix penalties for any violation of this Act.

Mr. Nicholls, Acting Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 113. To amend an Act entitled an act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved Sept. 29, 1919.

Mr. St. John, Acting Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 498 (with substitute). To enlarge the authority, powers, and jurisdiction of the Alabama Public Service Commission so as to effectively provide for the supervision and regulation by said Commission in the public interest of rates, rules, regulations, practice, fares, and charges of said public utility or utilities.

The above and foregoing bills were severally read a second time and placed on the Calendar.

By Mr. Holcombe:

H. 648. A bill to be entitled an Act to propose to amend section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the Military or Naval service of the

United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That it is proposed to amend Section 194 $\frac{1}{2}$ of the Constitution of Alabama and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the regular session of the present Legislature at which this amendment is proposed.

It is proposed that Section 194 $\frac{1}{2}$ of the Constitution of the State of Alabama be amended so as to read as follows:

Section 194 $\frac{1}{2}$. No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judge of Probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following:

"Shall the following proposed amended section 194 $\frac{1}{2}$ of the Constitution of Alabama be adopted?"

"No person who honorably served in the Military or Naval service of the United States between January 1, 1917 and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judges of Probate shall issue certificates of exemp-

tion from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor."

"Yes"

"No"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama.

The result of such election shall be made known by a proclamation of the Governor.

The above and foregoing bill was read a second time at length and placed on the Calendar.

Mr. Verner, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers, distributors or dealers, to any of its customers in this State of any rebate or special price of furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroying the business of a competitor, or creating a monopoly and to make it unlawful for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this act.

H. 280. To abolish the Court of Appeals for the State of Alabama.

Mr. Walker, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had

acted on the following bill and ordered same returned to the House with an adverse report:

H. 559. To amend Section 797 of the Code of Alabama of 1907.

Mr. Ashcraft of Lauderdale, Chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 8. To repeal an Act entitled an act to provide for the general revenue of the State of Alabama, approved September 15, 1919.

H. 246. To amend an Act entitled an Act "To provide for the general revenue of the State of Alabama," approved September 15th, 1919.

H. 266. To amend Schedule 129 of Section 361 of an Act approved September 15, 1919 and entitled "An Act to provide for the general revenue of the State of Alabama."

H. 277. To amend Schedule 107 of Section 361 of an Act approved September 15th, 1919, entitled "An Act to provide for the general revenue of the State of Alabama."

H. 291. To amend Sections three and four of an Act entitled, "An Act to provide for the general revenue of the State of Alabama" as said sections appear on page 284 of the General Acts of 1919.

H. 15. For the betterment of County funds and finances—and to amend Section 72 of the General Revenue Law, approved September 15th, 1919, entitled—"An Act to provide for the General Revenue for the State of Alabama,"—which Section 72 is found on pages 307 and 308 of the General Acts of 1919,—for that purpose.

Mr. Luck, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 579. To provide for the abolishment of the Barbour County County Court; to provide for the disposition of pending cases; to abolish the office of solicitor of the Barbour County Court; to abolish the office of Judge of the Barbour County Court.

Mr. Rountree, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 36. To authorize corporations organized under the laws of the State of Alabama, engaged in the business of lending money under special plans, to become industrial savings banks under and subject to the regulation, examination and supervision of the Banking Department of the State of Alabama and to regulate and provide for the business and taxation of such industrial savings banks.

H. 9. To provide for the withdrawal of any deposit of mutual aid or industrial association or corporation with the state when such corporation or association ceases to do business in the State and re-insures its policy holders in this State."

S. 264. To amend Section 14 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of An Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45, and 46 and to repeal Sections 31 and 32 of an Act entitled 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 1', 1915.'"

Mr. Howze, Chairman of the Standing Committee on Mining and Manufacturing, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 137. To regulate the practice of Architects, Civil Engineers, Chemical Engineers, Electrical Engineers, Mechanical Engineers, Mining Engineers, Metallurgical Engineers, Naval Architects, Marine Engineers, and Land Surveyors; to create a State Board of Registration with general control and supervision of such regulations; to provide fees and expenses for such Board and to fix penalties for any violation of this Act.

Mrs. Wilkins, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 198. To amend Section Two of an Act as amended by the Legislature of Alabama (1919 General Acts of the Legislature of Alabama) entitled an Act to define Dentistry, to provide for the regulation of the practice thereof, to provide for the examination of applicants to practice dentistry in Alabama, to provide for the issuing of license certificates, the registration and display thereof, and to provide for reports by the Probate Judges of said registration.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Norman gave notice that on tomorrow he would make a motion to take the bill, H. 280, To abolish the Court of Appeals for the State of Alabama, from the Adverse Calendar and place said bill on the regular Calendar of the House.

INDEFINITE POSTPONEMENT.

On motion of Mr. Long, the bill H. 579, was indefinitely postponed.

SPECIAL ORDER.

The House proceeded to the consideration of the Special Order, which was the bill:

H. 312. To amend the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age;" approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920.

On motion of Mr. Tunstall the consideration of said bill, H. 312, was postponed and said bill not to lose its place on Calendar.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 397. To rearrange and redistrict the commissioner's court districts of Pickens county, Alabama.

Also:

H. 262. To further regulate the workings of the public roads in Coosa county, Alabama.

Also:

H. 371. To amend Section 5896 of the 1907 Code of Alabama.

Also:

H. 308. To adopt a Code of Laws for the State of Alabama.

Also:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Also:

H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

BILLS ON THIRD READING.

H. 140. To amend Section 3793 of the Code of Alabama of 1907, and to amend an act of the Legislature of Alabama approved September 30th, 1919, entitled an act to amend an act of the Legislature of Alabama, entitled an act to amend Section 3795 of the Code of Alabama of 1907.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Revision of Laws. Said substitute being as follows:

Substitute for H. 140:

A BILL

To be entitled an Act to amend an Act entitled an Act to amend an Act of the Legislature of Alabama entitled an Act to amend Section 3795 of the Code of Alabama of 1907, approved September 30, 1919.

Be it enacted by the Legislature of Alabama:

That an Act of the Legislature of Alabama approved September 30th, 1919, entitled an Act to amend an Act of the Legislature of Alabama, entitled an Act to amend Section 3795 of the Code of Alabama of 1907, be, and the same is hereby amended so as to read as follows:

"To the wife in case of cruelty or non-support by the husband. In favor of the wife when the husband has committed actual violence on her person attended with danger to life or health or when from his conduct there is reasonable apprehension of such violence. In favor of the husband where the wife has committed actual violence on his person attended with danger to life. To the wife when the wife has lived or shall have lived separate and apart from the bed and board of the husband for five years and without support from him for two years next preceding the filing of the bill, and she has bona fide resided in this State during said period."

Mr. Bealle moved to table the bill and pending substitute and the motion to table was lost.

Yeas, 24; nays, 60.

Yeas:

Messrs:

Adams	Calloway	Parker	Thompson (Jackson)
Adcock	Coleman	Ringer	Tiller
Ashcraft (Fayette)	Grove	Rountree	Verner
Bealle	Hawkins	Sanders (Pike)	Wall
Blackwell	Lee	Smith (Clay)	Walton
Burns	Love	Snodgrass	Williams

—24

Nays:

Messrs:

Allen	Glover	Kilpatrick	Rutherford
Bowen, L. K.	Goodwyn	Letson	Sanders (Conecuh)
Boykin	Graves	Long	Sessions
Burton	Guy	McGowen	Smith (Jefferson)
Byars	Hall	Melton	Smith (Lee)
Cato	Hampton	Mooneyham	Sollie
Cook	Hatter	Moorer	Stewart (Bibb)
Culver	Henson	Moxley	Stewart (Calhoun)
Dickinson	Hodgson	Nichols	Thompson (Etowah)
Dunwoody	Hornsby	Norman	Tyson
Elliott	Howard	Odom	Varner
Embry	Howze	Patterson	Walker
Fanning	Jeter	Pickens	Ware
Ferrell	Jones	Posey	Wyatt
Gaines	Kilborn	Powell	Young

—60

And the substitute was adopted.

Yeas, 56; nays, 32.

Yeas:

Messrs:

Mr. Speaker	Cato	Gaines	Hampton
Bowen, Lewis	Cook	Glover	Henson
Bowen, L. K.	Culver	Goodwyn	Hodgson
Boykin	Dunwoody	Graves	Hornsby
Burton	Fanning	Guy	Hubbard
Byars	Fite	Hall	Jeter

Jones	Nichols	Powell	Stewart (Calhoun)
Kilborn	Norman	Rutherford	Thompson (Etowah)
Long	Odom	Sanders (Conecuh)	Tunstall
Love	Parker	Sessions	Verner
Melton	Patterson	Smith (Jefferson)	Walker
Mooneyham	Pickens	Smith (Lee)	Ware
Moorer	Poole	Sollie	Williams
Moxley	Posey	Stewart (Bibb)	Wyatt

—56

*Nays:**Messrs:*

Adams	Coleman	Lee	Snodgrass
Adcock	Embry	Letson	Thompson (Jackson)
Ashcraft (Fayette)	Forman	Luck	Tiller
Bealle	Grove	McDaniel	Tyson
Blackwell	Hawkins	Ringer	Verner
Burns	Henley	Rountree	Wall
Calloway	Howard	Sanders (Pike)	Walton
Christian	Kilpatrick	Smith (Clay)	Young

—32

And the bill,

H. 140. To amend Section 3793 of the Code of Alabama of 1907, and to amend an act of the Legislature of Alabama approved September 30th, 1919, entitled an act to amend an act of the Legislature of Alabama, entitled an act to amend Section 3795 of the Code of Alabama of 1907.

As amended by the substitute, was read a third time at length and passed.

Yeas, 54; nays, 33.

*Yeas:**Messrs:*

Mr. Speaker	Glover	McGowen	Sessions
Bowen, Lewis	Goodwyn	Melton	Smith (Jefferson)
Bowen, L. K.	Graves	Mooneyham	Smith (Lee)
Boykin	Guy	Moorer	Sollie
Burton	Hall	Moxley	Stewart (Bibb)
Byars	Hampton	Nichols	Stewart (Calhoun)
Cato	Henson	Norman	Thompson (Etowah)
Cook	Hodgson	Odom	Tunstall
Culver	Hornsby	Parker	Verner
Dunwoody	Hubbard	Pickens	Walker
Embry	Jeter	Poole	Ware
Fanning	Jones	Posey	Wyatt
Ferrell	Kilborn	Sanders (Conecuh)	Young
Gaines	Long		

—54

*Nays:**Messrs:*

Adcock	Grove	Luck	Snodgrass
Allen	Hawkins	McDaniel	Thompson (Jackson)
Bealle	Henley	Patterson	Tiller
Blackwell	Howard	Powell	Tyson
Burns	Kilpatrick	Ringer	Verner
Calloway	Lee	Rountree	Wall
Christian	Letson	Sanders (Pike)	Walton
Coleman	Love	Smith (Clay)	Williams
Forman			

—33

H. 343. To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this Act shall be null and void.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws. Said Committee amendment being as follows:

Amend Section 1 thereof so as to read as follows:

Sectino 1. That after the passage of this Act all sales of real estate made under powers of sale contained in mortgages and deeds of trust shall be held in the county where a part of said real estate is situated; and notice of said sale shall be given in the manner provided in such mortgage or deed of trust in each county in which any part of said real estate is situated.

And the amendment was adopted.

Yeas, 71; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Forman	Love	Smith (Clay)
Adcock	Gaines	Luck	Smith (Lee)
Arrington	Glover	McDaniel	Snodgrass
Ashcraft (Fayette)	Goodwyn	McGowen	Stewart (Bibb)
Bealle	Graves	Melton	Stewart (Calhoun)
Bowen, L. K.	Guy	Moorer	Thompson (Etowah)
Boykin	Hall	Moxley	Thompson (Jackson)
Burns	Hampton	Norman	Tiller
Burton	Hatter	Parker	Tyson
Byars	Henley	Patterson	Varner
Cato	Henson	Pickens	Verner
Christian	Hodgson	Posey	Walker
Coleman	Hornsby	Ringer	Wall
Cook	Hubbard	Rountree	Walton
Culver	Jeter	Rutherford	Ware
Dickinson	Kilborn	Sanders (Conecuh)	Wyatt
Embry	Lee	Sanders (Pike)	Young
Fanning	Letson	Sessions	

—71

H. 343. To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this Act shall be null and void.

As amended, was read a third time at length and passed.

Years, 73; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderd ¹)	Boykin	Coleman
Adams	Bealle	Burton	Cook
Adcock	Blackwell	Bvars	Culver
Allen	Bowen, Lewis	Cato	Fanning
Ashcraft (Fayette)	Bowen, L. K.	Christian	Ferrell

Gaines	Lee	Posey	Thompson (Etowah)
Glover	Letson	Ringer	Thompson (Jackson)
Goodwyn	Luck	Rountree	Tiller
Graves	McDaniel	Rutherford	Tunstall
Hall	McGowen	Sanders (Conecuh)	Tyson
Hampton	Melton	Sanders (Pike)	Varner
Henley	Moorer	Sessions	Verner
Henson	Moxley	Smith (Clay)	Walker
Hodgson	Nichols	Smith (Jefferson)	Wall
Hornsby	Norman	Smith (Lee)	Walton
Howze	Parker	Snodgrass	Ware
Hubbard	Patterson	Stewart (Bibb)	Wyatt
Jeter	Poole	Stewart (Calhoun)	Young
Kilborn			

—73

H. 396. To authorize the appointment of Guardians to all persons entitled to the benefits of the Act of Congress, of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

Was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Luck	Smith (Lee)
Adams	Dunwoody	McDaniel	Snodgrass
Adcock	Embry	McGowen	Stewart (Bibb)
Allen	Fanning	Melton	Stewart (Calhoun)
Ashcraft (Fayette)	Ferrell	Moorer	Thompson (Etowah)
Ashcraft (Lauderdl.)	Forman	Moxley	Thompson (Jackson)
Bealle	Glover	Nichols	Tyson
Blackwell	Goodwyn	Parker	Varner
Bowen, Lewis	Grove	Patterson	Verner
Bowen, L. K.	Guy	Posey	Walker
Boykin	Henson	Ringer	Wall
Burns	Hodgson	Rountree	Walton
Burton	Hornsby	Sanders (Pike)	Ware
Byars	Lee	Sessions	Wyatt
Cato	Letson	Smith (Clay)	Young
Cook			

—61

H. 482. To amend Section 5222 of the Code.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws. Said Committee amendment being as follows:

Amend the bill by adding thereto the following:

“And a certified copy of such record of these decrees shall be admissible in and prima facie evidence of their contents in all the courts of this State.

And the amendment was adopted.

Yeas, 57; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Letson	Sessions
Adams	Cook	Luck	Smith (Clay)
Adcock	Fanning	McGowen	Smith (Lee)
Allen	Forman	Mooneyham	Snodgrass
Ashcraft (Fayette)	Gaines	Moorer	Stewart (Calhoun)
Ashcraft (Lauderd'l)	Grove	Moxley	Thompson (Etowah)
Bealle	Hodgson	Nichols	Tiller
Bowen, Lewis	Hornsby	Parker	Tyson
Bowen, L. K.	Howze	Patterson	Verner
Boykin	Hubbard	Posey	Walker
Burns	Jeter	Ringer	Walton
Burton	Jones	Rutherford	Ware
Byars	Kilborn	Sanders (Conecuh)	Wyatt
Cato	Lee	Sanders (Pike)	Young
Christian			

—57

And the bill,

H. 482. To amend Section 5222 of the Code.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Coleman	Lee	Sanders (Conecuh)
Adams	Cook	Letson	Sanders (Pike)
Adcock	Fanning	Luck	Sessions
Allen	Ferrell	McGowen	Smith (Jefferson)
Ashcraft (Fayette)	Forman	Melton	Smith (Lee)
Bealle	Gaines	Mooneyham	Snodgrass
Blackwell	Glover	Moorer	Sollie
Bowen, Lewis	Grove	Moxley	Stewart (Bibb)
Bowen, L. K.	Henson	Nichols	Stewart (Calhoun)
Boykin	Hodgson	Norman	Tiller
Burns	Hornsby	Parker	Tyson
Burton	Howard	Patterson	Verner
Byars	Howze	Pickens	Walker
Cato	Jeter	Posey	Ware
Christian	Jones	Ringer	Young

—60

H. 296. To provide for the establishment of titles to real estate by a proceeding in rem.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary. Said Committee amendment being as follows:

Amend the bill by adding the following words:

“Minors, lunatics and” in line 10 on page 4 between the words “then” and “those” where the said words appear in said line 10.

And the amendment was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Luck	Smith (Clay)
Adams	Embry	McDaniel	Smith (Lee)
Adcock	Fanning	McGowen	Snodgrass
Allen	Forman	Melton	Stewart (Bibb)
Ashcraft (Fayette)	Glover	Moorer	Stewart (Calhoun)
Ashcraft (Lauderd'l)	Goodwyn	Moxley	Thompson (Etowah)
Bealle	Grove	Nichols	Thompson (Jackson)
Blackwell	Hatter	Norman	Tiller
Bowen, L. K.	Henson	Odom	Tunstall
Boykin	Hodgson	Parker	Tyson
Burns	Holcombe	Patterson	Verner
Byars	Howard	Posey	Walker
Cato	Howze	Ringer	Ware
Christian	Jones	Rountree	Wyatt
Cook	Kilborn	Sanders (Pike)	Young
Culver	Lee	Sessions	

—63

And the bill,

H. 296. To provide for the establishment of titles to real estate by a proceeding in rem.

As amended, was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Lee	Sessions
Adams	Embry	Luck	Smith (Clay)
Adcock	Fanning	McDaniel	Smith (Lee)
Allen	Forman	McGowen	Snodgrass
Ashcraft (Fayette)	Glover	Melton	Stewart (Bibb)
Ashcraft (Lauderd'l)	Goode	Moorer	Stewart (Calhoun)
Bealle	Goodwyn	Moxley	Thompson (Etowah)
Blackwell	Grove	Nichols	Thompson (Jackson)
Bowen, L. K.	Hatter	Norman	Tiller
Boykin	Henson	Odom	Tunstall
Burns	Hodgson	Parker	Tyson
Byars	Holcombe	Patterson	Verner
Cato	Howard	Posey	Walker
Christian	Howze	Ringer	Ware
Cook	Jones	Rountree	Wyatt
Culver	Kilborn	Sanders (Pike)	Young

—63

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications

and duties of the members thereof, and to define the powers of such board.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	Howze	Pickens
Adams	Forman	Hubbard	Poole
Adcock	Gaines	Jeter	Posey
Allen	Glenn	Jones	Powell
Bealle	Glover	Kilpatrick	Ringer
Bowen, Lewis	Goode	Lee	Sessions
Bowen, L. K.	Graves	Letson	Sollie
Burns	Grove	Long	Tiller
Burton	Guy	Love	Tunstall
Byars	Hall	Luck	Tyson
Cato	Hatter	McGowen	Verner
Cook	Henley	Melton	Wall
Culver	Henson	Moorer	Ware
Deloney	Hodgson	Moxley	Williams
Elliott	Hornsby	Odom	Wyatt
Embry	Howard	Parker	Young
Ferrell			

—65

On motion of Mr. Howze the bill H. 639 was sent to the Senate without engrossment.

H. 172. To require sheriffs and clerks of Courts of record to prorate costs as collected in proportion, as each is entitled.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Claims and Fees. Said Committee amendment being as follows:

Amend the bill by adding thereto Section Two, as follows:

Section 2. That any Clerk of the Circuit, County or other court of like jurisdiction, or sheriff, who violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

And the amendment was adopted.

Yeas, 54; nays, 0.

Yeas:

Messrs:

Adams	Burton	Grove	Melton
Adcock	Byars	Hatter	Mooneyham
Allen	Cato	Hodgson	Moorer
Ashcraft (Fayette)	Coleman	Howard	Nichols
Ashcraft (Lauder ¹)	Cook	Jeter	Norman
Bealle	Fanning	Jones	Odom
Blackwell	Forman	Lee	Parker
Bowen, L. K.	Gaines	Letson	Patterson
Boykin	Glenn	Luck	Posey
Burns	Glover	McGowen	Ringer

Rutherford	Smith (Lee)	Stewart (Calhoun)	Verner
Sanders (Pike)	Snodgrass	Tiller	Walker
Sessions	Sollie	Tyson	Walton
Smith (Clay)	Stewart (Bibb)		

—54

And the bill,

H. 172. To require sheriffs and clerks of Courts of record to prorate costs as collected in proportion, as each is entitled.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:

Adams	Fanning	Jones	Ringer
Adcock	Ferrell	Lee	Sanders (Pike)
Allen	Forman	Letson	Sessions
Ashcraft (Fayette)	Gaines	Love	Smith (Clay)
Ashcraft (Lauderd ¹)	Glenn	Luck	Smith (Lee)
Bowen, Lewis	Glover	McGowen	Snodgrass
Bowen, L. K.	Grove	Mooneyham	Sollie
Boykin	Guy	Moorer	Stewart (Bibb)
Burns	Hampton	Moxley	Stewart (Calhoun)
Burton	Hatter	Nichols	Thompson (Etowah)
Byars	Henson	Norman	Tiller
Cato	Hodgson	Odom	Tyson
Christian	Hornsby	Parker	Walker
Coleman	Howze	Patterson	Walton
Cook	Jeter	Posey	Ware

—60

H. 334. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment

of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text-book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and

management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this

Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Was read a third time at length and passed.

Yeas, 54; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Long	Smith (Clay)
Adams	Goodwyn	Luck	Smith (Jefferson)
Adcock	Grove	Mooneyham	Smith (Lee)
Allen	Guy	Moorer	Snodgrass
Ashcraft (Fayette)	Hampton	Moxley	Sollie
Ashcraft (Lauderd ¹)	Hatter	Odom	Stewart (Bibb)
Bealle	Henley	Parker	Stewart (Calhoun)
Boykin	Henson	Patterson	Thompson (Etowah)
Burns	Hodgson	Pickens	Tunstall
Burton	Hubbard	Ringer	Tyson
Cato	Jones	Rutherford	Walton
Cook	Kilpatrick	Sanders (Pike)	Ware
Fanning	Lee	Sessions	Young
Ferrell	Letson		

—54

H. 588. To amend Sections 1313 and 1315 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Rutherford
Adams	Glover	Lee	Sanders (Conecuh)
Adcock	Goodwyn	Letson	Sanders (Pike)
Ashcraft (Lauderd ¹)	Graves	Long	Sessions
Bealle	Grove	Luck	Smith (Clay)
Blackwell	Hall	Melton	Smith (Jefferson)
Boykin	Hampton	Mooneyham	Snodgrass
Burton	Hatter	Moorer	Stewart (Bibb)
Cato	Henson	Moxley	Thompson (Etowah)
Christian	Hodgson	Norman	Tiller
Cook	Howard	Odom	Tunstall
Dickinson	Howze	Parker	Walton
Dunwoody	Hubbard	Patterson	Ware
Embry	Jones	Ringer	Young
Fanning			

—57

REPORT OF RULES COMMITTEE.

Mr. Tunstall, Acting Chairman of the Committee on Rules, returned to the House the following resolutions with a favorable report.

H. R. 100. Relative to making H. 486 special order for 33rd Legislative Day.

And the resolution was adopted.

Also:

H. R. 104. Relative to making H. 523 special order for 35th Legislative Day.

And the resolution was adopted.

RECESS.

On motion of Mr. Cook the House recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Also:

H. 410. To provide for the election of the county superintendent of education of and for Conecuh county, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

Also:

H. 286. To provide for the election of a county superintendent of education for Butler county, Alabama, to fix his term

of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committees on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Hildreth:

S. 338. To amend Section 3441 of the Code of Alabama of 1907.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Judiciary, S. 338.

BILLS ON THIRD READING.

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, L. K.	Dunwoody	Hatter
Adams	Burns	Fanning	Henley
Adcock	Burton	Ferrell	Henson
Allen	Byars	Forman	Hodgson
Arrington	Cato	Gaines	Jeter
Ashcraft (Fayette)	Christian	Glover	Lee
Ashcraft (Lauderd ¹)	Cook	Grove	Letson
Bealle	Culver	Hall	Long
Blackwell	Dickinson	Hampton	Love

McGowen	Patterson	Smith (Clay)	Tiller
Melton	Posey	Smith (Jefferson)	Tyson
Mooneyham	Ringer	Snodgrass	Varner
Moorer	Rountree	Sollie	Wall
Moxley	Rutherford	Stewart (Bibb)	Walton
Odum	Sanders (Pike)	Stewart (Calhoun)	Ware
Parker	Sessions	Thompson (Jackson)	Young

—64

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to sheriffs and deputy sheriffs.

Was taken up. Mr. L. K. Bowen offered the following amendment to the bill:

Amend H. 573:

To amend H. 573 by striking out the words "and Deputy Sheriffs" in the title of the bill, also amend by striking out "or Deputy Sheriffs" in section one.

Mr. Powell moved to table the amendment offered by Mr. L. K. Bowen and the motion to table was lost.

And the amendment offered by Mr. L. K. Bowen was adopted.

Yeas, 49; nays, 21.

Yeas:

Messrs:

Mr. Speaker	Christian	Henson	Ringer
Adams	Coleman	Hodgson	Rutherford
Adcock	Cook	Howze	St. John
Arrington	Culver	Hubbard	Smith (Jefferson)
Ashcraft (Fayette)	Dickinson	Jones	Smith (Lee)
Ashcraft (Lauder ¹)	Fanning	Kilpatrick	Snodgrass
Bealle	Forman	Lee	Stewart (Bibb)
Bowen, Lewis	Guy	Letson	Stewart (Calhoun)
Bowen, L. K.	Hall	Long	Thompson (Etowah)
Burns	Hampton	Love	Tunstall
Burton	Hatter	Parker	Varner
Byars	Henley	Poole	Ware
Cato			

—49

Nays:

Messrs:

Boykin	Kilborn	Rountree	Tiller
Ferrell	Moorer	Sanders (Pike)	Tyson
Goodwyn	Moxley	Sessions	Walker
Grove	Nichols	Smith (Clay)	Wyatt
Hornsby	Powell	Thompson (Jackson)	Young
Howard			

—21

Mr. Powell offered the following amendment to the bill:
Amendment:

By inserting after the words sheriff, "and one deputy" in paragraph one of said bill.

On motion of Mr. St. John the amendment offered by Mr. Powell was tabled.

Mr. Powell offered the following amendment to the bill:

Amend Section 1 by adding after the word Sheriff where it first appears in line 2 the words "Chief Law Enforcement Officer and his Deputies" and also add the words "Chief Law Enforcement Officer and his Deputies" to the title of said bill.

And on motion of Mr. St. John the amendment offered by Mr. Powell was laid upon the table.

And the bill,

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to sheriffs and deputy sheriffs.

As amended, was read a third time at length and passed.

Years, 48; nays, 30.

Yeas:

Messrs:

Mr. Speaker	Fanning	Lee	Rutherford
Adams	Ferrell	Letson	Sanders (Pike)
Adcock	Forman	Long	Smith (Clay)
Ashcraft (Fayette)	Goodwyn	Moorer	Smith (Lee)
Ashcraft (Lauderd'l)	Graves	Nichols	Stewart (Bibb)
Bealle	Grove	Norman	Stewart (Calhoun)
Bowen, L. K.	Hatter	Odum	Thompson (Etowah)
Burns	Henley	Patterson	Thompson (Jackson)
Coleman	Hodgson	Pickens	Tunstall
Cook	Howard	Poole	Varnar
Culver	Howze	Ringer	Walker
Elliott	Kilborn	Rountree	Young

—48

Nays:

Messrs:

Blackwell	Gaines	Hubbard	St. John
Bowen, Lewis	Glenn	Jeter	Sessions
Boykin	Glover	Love	Smith (Jefferson)
Burton	Guy	McDaniel	Snodgrass
Byars	Hall	Moxley	Sollie
Cato	Hampton	Parker	Tiller
Christian	Henson	Powell	Ware
Deloney	Hornsby		

—30

H. 554. To repeal an Act entitled "An Act to prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipalities," approved September 29th, 1919.

Was read a third time at length and passed.

Yeas, 59; nays, 7.

Yeas:

Messrs:

Mr. Speaker	Allen	Bealle	Bowen, L. K.
Adams	Arrington	Blackwell	Boykin
Adcock	Ashcraft (Lauderd'l)	Bowen, Lewis	Burns

Cato	Guy	Letson	Sanders (Conecuh)
Christian	Hall	Love	Sessions
Cook	Henley	McGowen	Smith (Clay)
Culver	Henson	Melton	Smith (Lee)
Dickinson	Hodgson	Mooneyham	Snodgrass
Dunwoody	Howard	Moorer	Stewart (Calhoun)
Fanning	Howze	Odom	Thompson (Jackson)
Ferrell	Hubbard	Parker	Tunstall
Forman	Jeter	Patterson	Tyson
Gaines	Jones	Posey	Varner
Glover	Kilborn	Rutherford	Young
Goodwyn	Kilpatrick	St. John	

—59

Nays:

Messrs:

Grove
McDanielMoxley
NicholsSanders (Pike)
Walton

Ware

—7

S. 221. To authorize and empower County Boards of Education and City Boards of Education to appropriate and use any district three mill tax that has been or may hereafter be voted in any School District to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

Was read a third time at length and passed.

Yeas, 47; nays 12.

Yeas:

Messrs:

Mr. Speaker

Adams

Adcock

Allen

Arrington

Ashcraft (Fayette)

Bealle

Blackwell

Bowen, Lewis

Bowen, L. K.

Boykin

Burns

Byars

Cato

Cook

Dunwoody

Fanning

Glenn

Grove

Henley

Hodgson

Hornsby

Howard

Howze

Hubbard

Jones

Letson

Long

Moorer

Moxley

Odom

Patterson

Poole

Ringer

St. John

Sanders (Conecuh)

Sanders (Pike)

Sessions

Smith (Clay)

Smith (Lee)

Snodgrass

Stewart (Bibb)

Stewart (Calhoun)

Tyson

Wall

Williams

Young

—47

Nays:

Messrs:

Ferrell

Glover

Guy

Hall

Hampton

Jeter

Love

Nichols

Varner

Walker

Ware

Wyatt

—12

H. 414. To provide and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale

County, Alabama, or to the State of Alabama, for the use of Dale County.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Letson	Ringer
Adams	Glover	Long	St. John
Adcock	Goode	Love	Sessions
Allen	Graves	Luck	Snodgrass
Bealle	Grove	Melton	Sollie
Boykin	Guy	Moorer	Tiller
Burns	Hall	Moxley	Tunstall
Burton	Hatter	Nichols	Tyson
Byars	Henley	Norman	Varner
Cato	Henson	Odom	Verner
Cook	Howard	Parker	Walker
Culver	Howze	Patterson	Wall
Deloney	Jeter	Pickens	Walton
Fanning	Jones	Poole	Ware
Ferrell	Kilpatrick	Posey	Wyatt
Forman	Lee	Powell	Young
Gaines			

—65

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 360. "To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census."

Also:

H. 359. To amend an Act entitled "An Act to provide for the appointment of deputy circuit solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Also:

H. 358. To amend sections 3, 6 and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Also:

H. 285. To prohibit the court of county commissioners of Butler county, Alabama, from issuing the bonds of Butler county

as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

Also:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

J. E. Speight,
Secretary.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor August 16, 1923, at 3:05 P. M.

H. 397. To rearrange and redistrict the commissioner's court districts of Pickens county, Alabama.

Also:

H. 262. To further regulate the workings of the public roads in Coosa county, Alabama.

Also:

H. 371. To amend section 5896 of the 1907 Code of Alabama.

Also:

H. 308. To adopt a Code of Laws for the State of Alabama.

Also:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Also:

H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

J. H. Stewart,
Clerk.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the executive department on the dates and hours named, and that I hold the receipts of the executive department for same.

Delivered to the Governor August 16, 1923, at 3:55 P. M.

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Also:

H. 410. To provide for the election of the county superintendent of education of and for Conecuh county, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

Also:

H. 286. To provide for the election of a county superintendent of education for Butler county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and as amended, has passed the following House bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

And returns same herewith to the House.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The House proceeded to the consideration of the Senate amendment to the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Said Senate amendment being as follows:
Amend H. 294 so as to read as follows:

A BILL.

To be entitled An Act in reference to and to further provide for the general revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

DEFINITION OF TERMS.

Section 1. That whenever the terms mentioned in this section are employed in this act, they are employed in the following sense: a. The term "property" includes real and personal property. b. The term "real property" shall be held to mean and include not only land, city, town and village lots, but also all other things thereunto pertaining, and all structures, and all other things so annexed or attached thereto as to pass to a vendee by the conveyance of the land or lot. c. The term "personal property" shall be held to mean and include all things other than real property, which have any pecuniary value, investment in bonds, stocks, joint stock companies, or otherwise. d. The term "money" or "moneys" shall be held to mean and include gold, silver, and other coin, bills of exchange, bank bills, or other bills or notes authorized to be circulated as money, whether in possession, or on deposit subject to the draft of the depositor, or the person having beneficial interest therein, on demand. e. The term "improvements" includes all buildings, structures, walls, fences, and any other thing erected upon or affixed to the land. f. The term "credit" includes every claim and demand for money, labor, merchandise, or other valuable thing. g. The term "person" or "party" or other word or words importing the singular number shall be held to include firms, companies, associations, and corporations, and all words in the plural number shall apply to single individuals in all cases in which the spirit and intent of this act require it; and all words importing the masculine gender shall also apply to females; and all words importing the present tense shall also apply to the future. h. The term "merchant" as used in this act also includes all persons, co-partnerships or corporations engaged in trading or dealing in any kind of goods, wares, merchandise, either on land or in steamboats, wharfboats, or other craft stationed or plying on the waters of this State, whether such goods or merchandise be kept on hand for sale, or the same be purchased and delivered for profit as ordered. i. The term "value" means the fair and reasonable market value of the taxable property, and shall be estimated at the price at which the property would bring at a fair voluntary sale.

Section 2. The following property and persons shall be exempt from ad valorem taxation and none other: (a) All bonds of the United States and this State, and all county and municipal bonds issued by counties and municipalities in this State; all property, real and personal, of the United States and this State, and of county and municipal corporations in this State; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, that property, real or personal, owned by any educational, religious or charitable institution, society or corporation, let for rent or hire or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for educational, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this State, which mortgages have been filed for record and the privilege tax paid thereon; all money on deposit in any bank or banking institution in this State and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempted from taxation. (A-1) "All property, real or personal, used exclusively for hospital purposes, to the amount of twenty thousand dollars, where such hospitals maintain wards for charity patients and give treatment to such patients, provided that the treatment of charity patients constitutes at least fifteen per cent of the business of such hospital. (a-2) All property owned by the American Legion or any post thereof, provided that such property is used and occupied exclusively by the said organization. (b) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution. (c) The libraries of ministers of the gospel, and all libraries other than those of a professional character, and all religious books kept for sale by ministers of the gospel and colporteurs. (d) All deaf mutes and insane and blind persons, and their property to the extent of one thousand dollars. (e) From poll tax, all persons permanently disabled whose taxable property does not exceed five hundred dollars. (f) All family portraits. (g) All cotton or other agricultural products which have been raised or grown during the current or preceding calendar year, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of the purchaser purchasing the same for prompt shipment; all cotton or other agricultural products in the hands of the manufacturer which have been produced in the State of Alabama during the current

calendar year; provisions and supplies on hand for the current year for the use of the family and the making of the crop; all wearing apparel; farming tools to the value of one hundred dollars; tools and implements of mechanics to the value of one hundred dollars; and the following property to be selected by the head of each family and not to exceed in the aggregate one hundred and fifty dollars; namely, cows, calves, hogs, sheep, household and kitchen furniture, and sewing machines; provided that no property or subject of taxation mentioned in this subsection shall be exempt from taxation, nor shall any credit, abatement, or reduction be allowed therefrom unless such property or subject of taxation is entered by the taxpayer upon an assessment list and returned by him under oath to the tax assessor. (h) That no license or taxation of any character, except franchise taxes provided by Section 229 of the Constitution of the State of Alabama, shall be collected or required to be paid to the State, or any county or municipality therein, by any State or county fair, agricultural association, stock, kennel or poultry show, athletic stadiums owned and controlled by universities, schools or colleges, and which are used exclusively for the purpose of promoting intercollegiate or inter-school athletics. Provided that the revenue received from athletic stadiums when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools. (i) All raw material, including coke, produced in Alabama, during the current calendar year, when stocked at any plant or furnace, for manufacturing purposes in Alabama. (j) All manufactured articles, including pig iron, in the hands of the producer or manufacturer thereof, and at the place of production or manufacture, shall be exempt from taxation for twelve months after its production or manufacture. (k) All property both real and personal owned by any unit or organization of the Alabama National Guard, officially recognized as such by the Federal Government and organized and maintained by the State, and all property owned by others and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama National Guard, the annual rent or hire of which is not in excess of the annual State, county and municipal taxes on said property shall be and is hereby exempted from taxation by the State, and the county and municipality in which the same may be situated. (g-1) All poultry raised or kept by any person and of value not more than \$100.00."

Section 2-A. The rate of taxation for State purposes shall be sixty-five one-hundredths of one per cent per annum on the assessed value of the taxable property within this State.

Section 2-B. There is hereby levied for the purpose and upon the property hereinafter named and not specifically exempted

from taxation and the property named in all other revenue laws of this State not specifically repealed by this Act annual taxes as follows, to-wit: a. For the maintenance of the public schools of this State, thirty cents on each one hundred dollars of the assessed value of taxable property. b. For the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, ten cents on each one hundred dollars of the assessed value of taxable property. c. For the use of the State and to raise revenue therefor, twenty-five cents on each one hundred dollars of the assessed value of taxable property.

Section 3. All taxes, unless otherwise provided by law, shall become due and payable on the first day of October in each year and shall become delinquent, if not paid before the first day of January succeeding, except in cases when parties have moved or are about to move from the county, and except in cases when parties are closing out or going out of business, and except in cases where insolvency is impending, and except in cases where goods, wares and merchandise are advertised for sale at auction, bankrupt, insolvent, assignment, or fire sales, or where said goods, wares and merchandise are advertised for sale for the satisfaction of creditors, or as closing out or going out of business sale, or in any way where a person is disposing of substantially all of his taxable property in the county in which cases such taxes shall become due and payable at once. Advertisements in the newspapers or otherwise, of a sale of any personal property as a closing out sale, fire sale, bankrupt sale, or any sale of like character shall be prima facie evidence that the collection of taxes due on such property so advertised is endangered within the meaning of this section.

Section 4. All taxable property within this State shall be assessed for the purpose of taxation at sixty per cent of its fair and reasonable market value.

Section 4 $\frac{1}{2}$. Mortgages: No mortgage, deed of trust, contract of conditional sale, or other instrument of like character which is given to secure the payment of any debt, and which conveys any real or personal property situated within this State, or any interest therein, shall be received for record unless the following privilege or license taxes shall have been paid upon such instrument before the same shall be offered for record, to-wit: Upon all such instruments which are executed to secure any indebtedness which shall not exceed one hundred dollars, there shall be paid the sum of fifteen cents, and upon all instruments which shall be executed to secure the indebtedness of more than one hundred dollars there shall be paid the sum of fifteen cents for each one hundred dollars of such indebtedness, or fraction thereof, which is secured by said mortgage, deed of trust, con-

tract of conditional sale, or other instrument of like character.

(b) If any part of the indebtedness which the mortgagor or debtor in any other instrument is authorized to incur under the terms of the instrument has not been, or will not be, presently incurred at the time such instrument is offered for record, the tax shall be paid on the amount of indebtedness presently incurred, and the State Tax Commission, upon the petition of the owner of any such instrument, or upon the petition of the agent or attorney of such owner, shall ascertain to its own satisfaction the amount then taxable, and the amount to be incurred thereafter, and determine the amount upon which the tax shall be paid at the time such instrument is offered for record, and shall endorse its findings on such instrument. Upon the presentation of such instrument, with such endorsement thereon, the Judge of Probate of any county in which the instrument is offered for record, upon the payment of the tax upon the amount so ascertained by the State Tax Commission and the recording fees of the probate judge, shall accept the same for record. The State Tax Commission shall also require the owner of such instrument to execute a bond, in an amount sufficient to secure the State the privilege tax to become due and payable under this section upon the amount of the indebtedness to be incurred thereafter, such bond to be approved by the State Tax Commission and payable to the State of Alabama, and conditioned that the owner of such instrument will promptly report to the said State Tax Commission and to the probate judge of the county where said instrument is first filed for record, whenever such owner or his successor in interest incurs any additional indebtedness thereunder, and the amount so incurred; and that the said owner of such instrument will pay or cause to be paid to the judge of probate of the county in which said mortgage is first filed the privilege or license tax required under this section, upon the accrual of any additional indebtedness, and that the said owner of such instrument will report to the said probate judge and the State Tax Commission during the month of September of each year the amount of all indebtedness and all bonds, debentures, notes or other forms of indebtedness, incurred or certified and delivered under said instrument to such date, and the amount so certified and delivered during the preceding twelve months, and the aggregate of all such evidences of indebtedness certified and delivered under such instrument prior to such year. The bond executed to secure payment of the tax herein required shall cover a term of five years, and after the expiration of said term of five years, the owner of the instrument offered for record shall execute such further bond as may be required by the State Tax Com-

mission covering the succeeding term of five years, and thereafter every term of five years, in the same manner so long as any of the indebtedness authorized to be incurred by such instrument has not been incurred, with like condition and in such sum as the said Commission may prescribe: (c) That when any deed is filed for record which recites that part of the purchase money is unpaid, such deed to the extent of such unpaid balance shall be held and treated as a mortgage, and the mortgage tax shall be collected by the judge of probate in addition to the tax for recording the instrument as a deed before recording the same, unless said balance of purchase money shall be secured by mortgage or deed trust which has already been filed for record, and the tax thereon paid, and the fact of such prior payment shall be endorsed on the deed. When any such deed is recorded and the tax thereon is paid, and thereafter a mortgage securing the debt is filed for record, the same shall be admitted to record without the payment of the mortgage tax and the fact of such prior payment shall be endorsed on the deed. (d) The privilege taxes required by law to be paid on mortgages, deeds of trust and similar instrument shall not be required on or for the filing of any such instrument, provided additional or substituted security for any indebtedness secured by an instrument previously filed, upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity. (e) Upon the filing for record of such mortgage, deed of trust, contract of conditional sale or other instrument of like character, the person to whom the same shall be made payable, or his agent shall present the said instrument to the judge of probate, of the county in which the property conveyed thereby, or any part thereof is situated, and shall pay to the probate judge the amount of the tax required under this section to be paid upon such mortgage, deed of trust, contract of conditional sale, or other instrument of like character, and upon such payment the probate judge or his clerk shall certify on said mortgage, deed of trust, contract of conditional sale, or other instrument of like character, the fact that the said tax has been paid, and when so certified by the probate judge or his clerk, such instrument shall be admitted to record in any county wherein any of the property mentioned in said instrument is situated, without the payment of any further tax thereon, except the fee to the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by such probate judge when such instrument is recorded. The tax herein provided for shall be paid upon all contracts for the sale of real or personal

property, whether the same be in the nature of a conditional sale, or a bond for title, and no such contract shall be received for record until such tax shall have been paid. (f) When the time for the payment of the indebtedness secured by any such mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage, is extended or renewed, and the extent or renewal contract is offered for record the tax required in this section shall be paid on the amount of indebtedness so extended or renewed; and the same shall be governed in all respects by the provisions of this sub-division. There shall be no ad valorem tax collected on any such instrument, or the debt secured thereby which shall have paid the tax prescribed by this section, either State, county or municipal. (g) Of the taxes collected by the probate judge under this section there shall be paid to the county treasurer of the county in which such taxes are collected one-third of the amount collected by him, to be accounted for by him, and the remaining two-thirds of said amount collected, to the State treasury. The probate judge shall receive five per cent of the amount collected by him as compensation for his services in collecting said money, and certifying said instrument, said five to be retained by him out of the moneys collected by him under this section; but when the property described in said instrument is situated within different counties within this State, then the probate judge who collects said taxes shall pay over the amount due the county treasury to the county treasurer of each of the different counties in which said property is situated an amount of said taxes that would be in proportion to the value of the property therein as compared to the value of the whole property within this State described in said instrument. (h) If any part of the property embraced or described in any instrument which is required under this section to pay a record privilege tax is located without this State, the indebtedness upon which the tax shall be paid for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this State bears to the whole property described in said instrument. The State Tax Commission may ascertain the value of the whole property, and of that part of it which is located within this State, for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid. And the value of that part of the property located within this State and the amount of the indebtedness upon which such tax shall be paid shall be ascertained in the following manner: First, the owner of any such instrument, or his agent, or attorney, may petition the State Tax Commission to ascertain the value of the whole property, and of that part of which is located

within this State, and the amount of the indebtedness upon which such tax shall be paid, and the State Tax Commission, after hearing such evidence as may be offered, shall fix and determine the value of that part of the property located within this State and the amount of the indebtedness upon which the tax shall be paid and shall endorse its findings on such instrument and upon the presentation of said instrument, with such endorsements, to the probate judge of the county in which any part of the property is located, such instrument upon the payment of the tax upon the amount of such indebtedness as so ascertained by said State Tax Commission and of the recording fees of the probate judge; or, second, the owner of any such instrument, or his agent or attorney, may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record, the privilege tax on the entire amount of the indebtedness secured by such instrument, and may thereupon present his petitions to the State Tax Commission within thirty days after such instrument is recorded, and it shall be the duty of said commission to ascertain the value of the whole property and of that part of it located within this State, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and said commission shall thereupon ascertain such valuation and fix and determine such indebtedness, and shall order the judge of probate to refund the excess of privilege tax collected by him and the probate judge shall comply with such order; and the tax paid upon the entire amount of such indebtedness shall be held by the probate judge until the State Tax Commission determines the amount of the indebtedness upon which such tax shall be paid.

(i) Any probate judge who shall file for record, or shall receive any mortgage, deed of trust or other instrument in the nature of a mortgage, without collecting the recording or registration tax provided for the recording or registration of such instruments, or who shall fail to certify the fact that such tax has been paid before filing and recording of such instrument, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one thousand dollars. (j) Every petition filed with the State Tax Commission to ascertain the amount of the mortgage tax due to be paid under this section shall, when the property conveyed in the instrument offered for record is located in more than one county of the State shall show the value of the property conveyed in each county in which the instrument is to be recorded. (k) Any probate judge who fails to keep the abstract of mortgages or other instruments intended to secure the payment of moneys, which are filed in his office for record, as he is required by law to keep, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than five hundred dollars.

Section 5. Any unincorporated bank, private bank or institution doing a banking business that is not incorporated shall be assessed at sixty per cent of its fair and reasonable market value. For the purpose of aiding in determining the amount of such assessment, the owner, president, cashier or manager of such bank shall under oath file with the tax assessor a statement in duplicate, one of which shall be forwarded to the State Tax Commission at Montgomery, Alabama, showing the capital of such bank, its surplus, undivided profits not included in the surplus, and all real estate owned by said bank and situated in this State, with a description of the same and the value of such real estate and the name of the person or the names of the persons who own said bank, what interest or interests in said bank have been sold during the past twelve months, the price of the same, the name of the sellers, and the purchasers, the annual dividends declared by such bank for the last three years and the amount of the capital, surplus and undivided profits not included in the surplus. The Board of Review or State Tax Commission may examine any person with reference to the matters mentioned in said affidavit, and from all sources of information herein provided for, and from all other information that may be obtained, the Board of Review shall determine the amount of such capital, surplus, undivided profits not included in the surplus, and the value of the real estate of such bank. From the amount of the sum of the capital, surplus and undivided profits not included in the surplus so determined, the Board of Review shall deduct the value of the real estate of said bank. The bank shall pay a tax on the real estate and on the residue of all of its capital as above determined.

Section 5½. Subjects of taxation under this Act and existing laws shall include all the property, real and personal of Hydro-electric Power Companies.

Section 6. Every share of any incorporated bank or banking association incorporated under the laws of this State, or any other State, or of the United States, shall be assessed for taxation in the county; and in the city or town where such bank is located at sixty per cent of its fair and reasonable market value. For the purpose of determining the value of such shares, the president or managing officer of such bank, or banking association, shall make out and return under oath to the assessor of the county in which such bank is located, and to the State Tax Commission, a list showing the total number of shares of capital of such bank, the name and address of every share-holder, as far as known, the fair and reasonable market value of such shares, and the par value thereof, what sales of stock have been made during the last twelve months, with the names of the sellers and buyers

thereof, and the price paid for same, the annual dividends declared upon the stock for the last three years, the value of the shares as shown by the books of the bank by the last report of the officers to the shareholders, the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such president or managing officer shall at the same time in the manner required by law, return to the assessor a statement of all real estate and improvements thereon, and furniture and fixtures, owned by the bank situated in this State and liable for taxation. The value of the shares of such bank for taxation shall be fixed by the Board of Review and said Board of Review in fixing such value shall deduct from the total of the shares the reasonable market value of the real estate and improvements thereon, and the furniture and fixtures belonging to such bank and assessed for taxation, and sixty per cent of the residue after such deduction shall be the assessed value of such shares, and such residue divided by the whole number of shares, shall constitute the assessed value of each share for taxation. It is the intent and meaning of this section that the real estate of every bank shall be assessed against the bank as other real estate in this State is assessed to the owners thereof, and that such bank shall pay the taxes thereon, and that the shares shall be assessed for taxation against the shareholders at sixty per cent of their fair and reasonable market value, as above determined after deducting therefrom the reasonable market value of the real estate and improvements thereon, and furniture and fixtures of the bank and that the bank shall pay for the shareholders respectively the tax so assessed, against their shares. In arriving at the fair and reasonable market value of the shares, there must be considered everything which gives them value, such as franchise, capital and assets of the bank, the real and personal property, the reserve fund and surplus, the undivided profits not included in the surplus, and all other interests of the shareholders that would pass to a purchaser on a transfer of his stock, and except as herein expressly provided, no separate tax shall be levied upon these elements, of value or any of them. It shall be no ground of objection to such assessment of shares that it is entered upon the assessment book in the corporate name of the bank.

Section 61½. When any incorporated bank has one or more branches, the president or managing officer, in making out the statement required in the preceding section, shall in addition thereto furnish the tax assessor with a statement of the different locations of the branches of said bank and the names of the counties and towns where situated. Any incorporated bank having one or more branches shall pay taxes on the real estate

and improvements thereon, in the county, city or town, where such real estate, furniture and fixtures are situated. The total value of the shares of such bank for State, county, school district and municipal taxation shall be as fixed and determined by the proper legal authorities in the county of its principal place of business and when the total value of such shares has been so determined it shall be the duty of the tax assessor of said county to certify to the tax assessor of each county wherein a branch is located the assessed value of the shares of such bank to be assessed for taxation in each place where such branch is located, but the amount of such assessment shall be ascertained by dividing the total value of such shares by the whole number of places where said bank does business or maintains branches, it being the true intent and purpose of this section, that in each county, and in each school district and in each municipality where a branch bank is located, the real estate and improvements thereon and furniture and fixtures located therein and an equal proportion of said shares based upon the whole number of places where said bank does business shall be assessed therein and taxes collected therein on such property and proportion of shares.

Section 7. The reports required from Banks by the preceding sections shall be made on blanks furnished by the State Tax Commission. The failure of any Banks to make the report required herein for the assessment for ad valorem taxation by December 31st of the year for which the tax is to be assessed shall subject such Bank to a penalty of five dollars per day for each day's delinquency, which penalty may be collected by suit in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 8. Every share of any domestic corporation, except banks or banking associations, and building and loan associations shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the State, and shall be assessed at sixty per cent of its fair and reasonable market value to the person in whose name such shares stand on the books of the corporation, and not to the corporation. The president or managing officer of every such corporation shall make out and return under oath to the tax assessor and to the State Tax Commission a list showing the total number of shares of capital stock of such corporation, and the par value thereof, and the full name and residence of each stockholder, as far as known, the actual market value thereof, the date of the last sale of stock in such corporation, with the name of the seller and the purchaser and the price paid for the same, and the annual dividend declared on the stock of such corporation, for the last three years, and the value of the shares as shown by the

books of the corporation, and by the last report of the officers to the share holders, and the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the State Tax Commission. There shall be attached to the copy of the return made to the State Tax Commission a balance sheet showing the condition of such corporation at the close of its fiscal period next preceding October 1st of the year for which the assessment is to be made. The president or managing officer shall at the same time return to the State Tax Commission and the tax assessor a sworn statement of all taxable property, real and personal owned by such corporation, situated in the State, and the State Tax Commission, after passing upon such return, shall deduct from the total value of the shares the reasonable market value of the real and personal property of the corporation as shown to be by the tax return of the corporation, and sixty per cent of the residue of value remaining after such deduction shall be the assessed value of the whole of such shares, and such sixty per cent of the residue divided by the whole number of shares, shall constitute the value of each share for taxation. Provided, however, that if any property owned by a corporation, which property is subject to taxation in this State, is omitted from the tax return filed by the corporation, the same shall be assessed as an escape item or items of taxation in the same manner as escaped property of individuals is assessed and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. The corporation shall pay for the shareholders the tax assessed against his shares, and the amount so paid for any shareholder shall be a lien on any interest which such shareholder may have in any property owned by the corporation. In arriving at the value of the shares of the stock of a corporation organized under the laws of Alabama for the purpose of conducting an insurance business, there shall be deducted from the value of such shares, in addition to the assessed value of its property, (the amount of its bonds of the State of Alabama, or bonds of any county or municipality thereof, and of the United States), held by such insurance corporation at the time of such assessment, which said bonds were held during all the six months preceding such assessment. If the aggregate value of shares does not exceed the aggregate value of the real and personal property of the corporation as returned for taxation, then no tax shall be demanded or collected on the shares, and no other deduction shall be made from the aggregate amount or sum at which the real and personal property of the corporation is returned for taxation than is herein specifically provided for. Provided that any corporation within

the provisions of this section shall be entitled, for the purpose of arriving at the value of shares for taxation, to have deducted from the value of its shares as returned, the assessed value of property owned by such corporation in other states or in other counties of this State on the next preceding first of October. The State Tax Commission and the tax assessor shall have a right to demand and receive of said corporation a certified copy of the assessment of any property outside of the State of Alabama sought to be deducted as above provided. The State Tax Commission shall deliver said assessment to the tax assessor with its other assessments of property in the county and notice of such assessment shall be given as in other cases. It shall be no ground for objection to such assessment of shares that the same is entered upon the assessment books in the name of the corporation. Provided that no shareholder of any corporation which pays a tax on its franchise or intangible property shall be liable for the taxes specified in this section as to the same property.

Section 9. The reports required from corporations by the preceding sections shall be made on blanks furnished by the State Tax Commission. The failure of corporations to make the reports required herein for the assessment for ad valorem taxation, by December 31st of the year for which the tax is to be assessed shall subject such corporation to a penalty of five dollars per day for each day's delinquency, which penalty may be collected by suit in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 10. Every corporation organized under the laws of this State except strictly benevolent, educational or religious corporations shall pay annually to the State an annual franchise tax of sixty cents on each one thousand dollars of its capital stock.

Section 11. That every corporation organized under the laws of any other State, nation or territory, and doing business in this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of sixty cents on each one thousand dollars of the actual amount of capital employed in this State. In ascertaining the annual franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

Section 11½. Remittance for the franchise tax required by sections 10 and 11 shall be made to the State Tax Commission,

at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama. One-third of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the county treasurer of each county in such proportion, upon certificate of the State Tax Commission.

Section 12. The president or any executive officer or the secretary of every domestic corporation subject to the franchise tax under this Act shall make a written statement under oath to the State Tax Commission showing the following facts: (1) The date and place of incorporation and the total amount of subscribed stock with which it began business; (2) the total authorized capital stock of the corporation; (3) a brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties; (4) the balance sheet of such corporation as shown after closing its books on December 31st preceding or after closing its books at the end of its preceding fiscal year; (5) such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due. The president or any executive officer or the secretary of every foreign corporation subject to the franchise tax under this act shall make a written statement under oath to the State Tax Commission showing the following facts:

First. The date and place of incorporation, and the date such corporation qualified to do business in this State. Second. The total amount of its capital employed in this State. 3. A brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties. 4. The amount of capital employed in this State which is secured by existing mortgages on real estate in this State, upon which mortgages there shall have been paid the recording privilege tax provided by law. 5. Such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due.

The statement required by this section shall be made on blanks prepared and furnished by the State Tax Commission on application of the corporation or otherwise, such blanks to be paid for out of the general appropriation for printing.

Such written statements under oath to the State Tax Commission shall be made and filed with said State Tax Commission between the first day of January and the fifteenth day of March of the calendar year for the franchise tax to be paid for that calendar year.

Section 13. Any corporation failing to make the report required by the next preceding section, or to furnish all the information demanded, on or before the fifteenth day of March of each year, shall be subject to a penalty of ten dollars a day for each day's failure, unless the time for filing the report has been extended by the State Tax Commission, or unless the State Tax Commission shall for good and sufficient cause remit the penalty provided in this section. Any suit for the collection of this penalty shall be brought in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 14. If any domestic corporation is organized after the first day of July of any year, or if any foreign corporation qualifies to do business in the State of Alabama after the first day of July of any year, the amount of the franchise tax levied by this act shall be, for the remainder of the calendar year in which said corporation is organized or qualified to do business, one-half of the year's tax.

Section 15. The franchise tax of domestic and foreign corporations as authorized and levied by this act shall run according to the calendar year and shall be due on the first day of April of each year for the tax of the current calendar year. Such corporation shall be allowed thirty days after the first day of April within which to pay said tax, but if delinquency continues after thirty days there shall be collected a penalty of five per cent for each month or part thereof that the tax shall remain unpaid after the beginning of the delinquent period. A foreign corporation, however, which has complied with provisions of this act as to filing a sworn statement shall not be considered delinquent nor subject to the five per cent monthly penalty until after thirty days from the date of the assessment against it by the State Tax Commission. Nothing in this section shall prevent suit against a foreign corporation which has failed to make the required report without an assessment first having been made against it by the State Tax Commission. The State Tax Commission, may for good cause remit the penalties provided in this section.

Section 16. The reports to the State Tax Commission by any corporation, domestic or foreign, for the purpose of determining the amount of franchise tax due by such corporation shall be made upon blanks to be furnished by the State Tax Commission, and it shall be the duty of said Commission to mail to the corporations such blanks, provided that the mailing of such blanks to a domestic corporation shall be a notice to such corporation that the payment of the franchise tax provided by this act is due to be paid on the first day of April, and will be

delinquent after thirty days from such date. And the due date of payment and the time of delinquency shall be printed in a prominent space on the front page of the blank forms herein provided in "red letters." All blank forms required for franchise tax reports shall be paid for out of the general appropriation for printing.

Section 17. That whenever a corporation shall be dissolved in this State by an agreement of the stockholders filed in the office of the probate judge of the county wherein the corporation was organized, such probate judge shall at once give notice to the State Tax Commission and Secretary of State of such dissolution, with the name of the corporation, the amount of its capital stock, and the date of the dissolution; and whenever a dissolution of a corporation organized under the laws of this State shall take place by decree of a court, upon the filing of a bill under the laws of this State by the creditors or stockholders, the clerk of said court shall at once notify the State Tax Commission and Secretary of State of such dissolution, giving the name of the corporation, the amount of its capital stock and the date of such decree of dissolution. In any cases where petitions are filed in any court by the creditors or stockholders for the dissolution of a corporation in case of insolvency thereof, the clerk of said court shall give notice of said suit and the pendency thereof to the State Tax Commission in order that the State Tax Commission may file a petition in the cause in the court for the purpose of collecting any unpaid franchise tax owing by said corporation. The failure of any probate judge or clerk of a court to make the report required by this section within thirty days from the date of dissolution shall subject such probate judge or clerk to a penalty of one dollar a day for each day's failure to make said report after the expiration of thirty days from said date of such dissolution.

Section 18. The State Tax Commission shall, as soon as possible after the required report has been filed with it by a foreign corporation, ascertain and assess the amount of franchise tax due by such corporation. Such assessment shall be duly made and entered on the minutes of the Commission and the Commission shall thereupon notify such corporation by registered mail of the date and amount of the assessment. This assessment shall have the full force and effect of a judgment on which execution may be issued by the State Tax Commission, directed to any sheriff in Alabama, unless the corporation appeals from such assessment as allowed by this Act.

Section 19. The State Tax Commission may summon before it any officer or employee of the corporation, or any other witness, swear and examine them with respect to any fact showing

the amount of franchise tax due by such corporation, and the State Tax Commission or its representatives shall be allowed to examine any books, papers or documents of the corporation except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes, and if any corporation shall refuse to allow such examination to be made at their main office or principal place of business in Alabama, the State Tax Commission may require the production before it at the court house in the county in Alabama where the corporation has its main office or principal place of business of any books, papers or documents, except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes. The summons of witnesses to appear before it or the notice to corporations to produce books, papers or documents before it may be issued in the name of the State Tax Commission, signed by the Secretary of said Commission, such summons or notice shall be directed to any sheriff of the State of Alabama and must be served by any sheriff to whom such summons or notice is delivered by the State Tax Commission for service. The State Tax Commission, any member thereof, or any authorized agent of said Commission, is given full authority to inspect or examine, during business hours at the office of the corporation in this State where its books are kept, or, if said books are kept outside of the State, then at the office outside of the State where such books are kept by the corporation, all books, papers or documents of said corporation. Any person who wilfully fails to appear before the Commission after being summoned as a witness or having appeared refuses to testify as to any material matters required of him by the Commission, or any corporation or any agent thereof who refuses to produce before the Commission after notice given him, any books, papers or documents required to be produced, or any corporation or agent thereof in custody of the books, papers or documents of the corporation who refuses to allow said State Tax Commission, any member thereof, or any authorized agent of said Commission, to inspect or examine said books, papers or documents at the office of said corporation during business hours, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and may also be imprisoned in the county jail for not longer than thirty days.

Section 20. Either the State or the foreign corporation may appeal from the final assessment made by the State Tax Commission to the Circuit Court of Montgomery County sitting in equity, by filing notice of appeal with the Secretary of the State

Tax Commission and with the register of the Circuit Court of Montgomery County, within fifteen days from the date of said final assessment made and entered on the minutes of the Commission, as required by this Act. The State Tax Commission is required to give immediate notice to the Attorney General of said final assessment. In addition to filing notice of appeal, the corporation must give bond, to be approved by the register of the Circuit Court of Montgomery County, in double the amount of said final assessment, payable to the State of Alabama and conditioned to pay such judgment as may be rendered against it in the Circuit Court. If the assessment appealed from by the corporation is sustained in the Circuit Court, the five per cent penalty provided for herein shall be calculated to the date of the judgment and included as a part of the judgment against the corporation in the Circuit Court. If the judgment against the corporation in the Circuit Court is for a less amount than the assessment made by the State Tax Commission, the said five per cent monthly penalty shall not be included in the judgment against the corporation.

Section 21. The payment of the franchise tax required by this act shall not exempt any corporation paying same from the payment of any regular license or privilege tax required by law for the engaging in or carrying on any business for which a license or privilege tax is required of individuals, firms or corporations.

Section 22. Each domestic corporation immediately on its organization shall make and file with the State Tax Commission the statement required by this Act. Every probate judge of the State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly organized corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the date of organization shall subject the corporation to a penalty of ten dollars a day for each days' failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record the State Tax Commission may remit the penalties against all parties liable therefor on filing of the required report and payment of the franchise tax due, but not otherwise.

Section 23. Each foreign corporation immediately after qualifying to do business in Alabama shall make and file with the State Tax Commission the statement required by this Act. The Secretary of State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the

newly qualified corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the said corporation qualifies to do business in Alabama shall subject the corporation and its designated agent in Alabama to a penalty of ten dollars a day for each day's failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record, the State Tax Commission may remit the penalties against all parties liable therefor in filing of the required report and payment of the franchise tax ascertained to be due, but not otherwise. The delinquent foreign corporation under this section, after filing the required report, shall be allowed to appeal from the final assessment of the State Tax Commission in the same manner as non-delinquent foreign corporations. If the assessment appealed from by the corporation is sustained in the Circuit Court of Montgomery County, the penalty provided by this section and the penalty provided by Section 15 of this Act shall be calculated to the date of the judgment and included in the judgment rendered against the corporation in the Circuit Court. If the judgment against the corporation in the Circuit Court is for a less amount than the assessment made by the State Tax Commission, then the five per cent penalty provided by this Act shall not be included in the judgment against the corporation.

Section 24. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and the State Tax Commission shall without delay, cover into the State Treasury, taking a receipt therefor, all money received by it in payment of franchise taxes.

Section 25. The first franchise tax to be collected under this act will be for the calendar year commencing January 1st, 1924. The provisions of the 1919 revenue law as to the amount and due date of franchise taxes shall remain in force until December 31st, 1923.

Section 26. There may be collected as hereinafter provided, from every person in this State over the age of twenty-one years and under the age of forty-five years, not exempt by law, the sum of one dollar and fifty cents as poll tax, which shall be applied exclusively in aid of the public school fund in the counties in which it is levied and collected.

Section 27. The State Auditor with the approval of the Governor, shall prepare and have printed suitable forms of poll tax receipts, with appropriate blanks for name, color, sex, address, precinct or ward, and year for which paid and date of payment.

Before the first day of October of each year he shall furnish to the several tax collectors a supply of blank receipts, countersigned by him, sufficient for the probable wants of the several counties, taking the tax collector's receipt for same. Each blank receipt for such poll tax shall have a duplicate attached thereto, on which shall be printed such matter as the auditor may prescribe, the number of such receipt and appropriate blank spaces to be filled in by the tax collector, showing by whom paid, and when and for what year, and shall take and file in his office a proper receipt from the tax collector for the poll tax receipt so furnished him.

Section 28. Each year the tax collector of each county shall prepare, on or before the fifteenth of March, and shall file in the office of the judge of probate of their respective counties an alphabetical list by beats and voting districts, containing names of all persons in said county, their sex and color, who have, on or before the first day of February of the current year, paid a poll tax, and giving the number of poll tax receipt issued to each person. Said names, with the information as to color and sex of each person, and number of poll tax receipt shall be entered in a suitable book for that purpose, provided at the expense of the county.

Section 29. For the service required in the preceding section, when performed, the several tax collectors shall be entitled to the sum of two and one-half cents for each name so entered, to be paid out of the general fund of their respective counties, on the warrant of the probate judge, provided, however, no tax collector shall receive any compensation for the service required in the preceding section unless he shall have complied with the provisions therein.

Section 30. It is the duty of every person in every election precinct to attend in person before the assessor on the first day of the appointment in the precinct of the taxpayers' residence, and then and there render to the assessor under oath a full and complete list of all property of which he was owner, or in which he had any interest whatever, or of which he was trustee or agent on the first day of October of that year, and to enter upon such paper the amount of fire insurance carried upon any of the property so listed. The land and improvements thereon must be separately listed. On failure of the taxpayer for thirty days after demand or notice by the tax assessor, to furnish a sufficient description of his real estate, said tax assessor shall secure such description from the records of conveyance in the office of the probate court of his county, and if he is unable to get a sufficient description from such records, then by a survey of property by the county surveyor or otherwise, and the reasonable expenses incident thereto shall be allowed by the commis-

sioners court or board of revenue, and paid out of the general fund of the county wherein the property involved is located, and such amount as is allowed shall be added as costs to the taxes assessed against such taxpayer, and when collected shall be covered into the general fund of the county.

Section 30½. The Tax Assessor or his Deputy, or any other officer administering the oath to the person making return of property for taxation, must orally administer the following oath to every taxpayer before making his returns: "You do solemnly swear that you will true answers make to all lawful questions which may be put to you touching the returns you are about to make, and that you will make a full and complete return of all property owned by you, or in which you had any interest whatever or of which you were trustee or agent on the first day of October of the present tax year, and that you will make a full, complete and true statement of the amount of fire insurance thereon, and this return is made upon your personal knowledge, so help you God."

Section 31. After administering the foregoing oath, the assessor, his deputy or other officer shall particularly inquire of the taxpayer as to the items of property and subjects of taxation owned by the taxpayer, and for which he is liable to be taxed, and property exempt from taxation, which shall be listed by items, in order that he may elicit from the taxpayer a complete statement of the whole amount and specified items of property, and subjects of taxation with which he should be charged for purposes of assessment and taxation, and the same shall be entered upon the proper blank, and the tax assessor, his deputy or other officer administering the oath, shall require the taxpayer to give an estimate of the value of each item of personal property, and the taxpayer shall, in making his returns, state how much fire insurance he carries on the improvements on his real estate, and how much fire insurance he carries on his personal property, but nothing in this Act shall be construed as requiring the tax payer to make oath as to the value of the property. Each taxpayer shall give to the assessor his occupation and post office address.

Section 32. Commission merchants, and all persons trading and dealing on commissions, and assignees authorized to sell, and persons having in their possession goods, wares or merchandise belonging to another, and subject to taxation in any county, city or town in Alabama, where said property is located, when the owner of the property does not reside in the county are deemed to be owners of the property in their possession for the purpose of assessment, and unless such goods, wares or merchandise have been otherwise listed for taxation the same shall be assessed to

the person, firm or corporation who has such goods in their possession; and in no case shall the assessment be less than sixty per cent of the fair and reasonable market value of the average amount of goods, wares or merchandise so held during the twelve months next preceding the first day of October when same are due to be assessed for taxation. In assessing such stocks of goods, wares or merchandise, the assessor shall require the production of the last inventory taken and attach the same to the tax return list, and if in the judgment of the assessor, such inventory is not correct, or if such time has elapsed since the inventory was taken that it shall have ceased to be reliable as to the value or amount thereof, he shall make report of same to the State Tax Commission.

Section 33. The person giving in such property for taxation shall enter upon said list his estimated value of every item of personal property listed, for the information of the official or officials whose duty it is to fix the assessment valuation of taxable property, but nothing in this act shall be construed as requiring the taxpayer to make oath as to the value of the property. It shall be the duty of the tax assessor to enter upon the tax return in the column provided, the next preceding year's valuation for assessment of real estate and also to note on the tax return list whether there has been any physical change, such as improvements, etc., since the preceding year's assessment was made. Every person shall enter upon the assessment list his occupation and post office address.

Section 34. For the purpose of assessment, real and personal property shall be estimated at its fair market value, according to the best judgment the assessor and the Board of Review can form upon information, inspection and otherwise, taking into consideration, if real estate, its location, whether in town, city or county, and whether it is vacant, or is occupied or in use, and if occupied and in use, the rent derived therefrom, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, or coal beds, and the amount and character of the improvements thereon; and mineral and timber interests when they have been severed in ownership from the soil, by sale or otherwise, shall be separately assessed.

Section 35. The State Tax Commission or the agents or assistants thereof, may work in an advisory capacity with the several county tax assessors of the State in the assessment and valuation of property. Any valuation fixed by the tax assessor on any property returned for taxation may be approved by the State Tax Commission, which approval, if made, must be shown on each separate return so approved. When a tax return has been so approved by the State Tax Commission, the State has no

appeal from such approved assessment. The tax payer, however, may appeal from such assessment in the same manner and within the same time as appeals are allowed from non-approved assessments. The several county tax assessors are required to keep a docket of all non-approved assessments in such form and containing such data as may be prescribed by the State Tax Commission. Such docket shall be furnished to the assessors by the State Tax Commission. The payment for such dockets shall be made out of the general appropriation for printing.

Section 36. The assessor shall, from information entered on the tax return list and from all other information known to him, or which he may procure, proceed to ascertain what, in his best judgment, is a fair and reasonable market value of each item of property returned by or listed to any taxpayer; provided, however, that the assessed value of any real estate or improvements as fixed for taxation for the year next preceding the then current tax year shall be prima facie the basis of the value of such property for assessment for the current tax year and such property shall not be assessed for taxation at a less valuation unless upon evidence submitted to the Board of Review, as provided for herein, it is found that the assessed valuation of the property reviewed should be reduced; and the assessor shall in separate columns, enter on such list such amount and value, and the deduction for exemption to which such taxpayer is entitled; and the tax assessor shall also add to such list any item of property subject to taxation, owned by such taxpayer, or in which he has any interest whatever and which he has failed or omitted to place on such list; and the taxpayer shall be given notice by the assessor, by registered mail, return receipt demanded, or in person, of the items of property added to his assessment list after such list has been filed and before the tax assessor has completed his assessment; and the assessor shall, upon demand, furnish the taxpayer with a certified copy of his assessment list so amended. In the event the value of real or personal property of any taxpayer is increased by the Board of Review, herein created, over the assessed value thereof, for the next preceding year, the taxpayer shall be furnished by registered mail, return receipt demanded, or in person, by the Secretary of the Board of Review, with a statement showing separately the value of his personal property, and his real property, and improvements thereon, such statement to be signed by the Chairman of the Board of Review, and also that such taxpayer may file in writing, with the Secretary of the Board of Review, on or before the last Monday in May, objections to any assessed valuation fixed as herein provided. But failure to give or receive the notices required in this section shall not invalidate such assessment. Provided, how-

ever, that the taxpayer shall have the right any time before the taxes become delinquent to appear before the Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase. The expense of postage incurred in carrying out the provisions of this section shall be paid in equal proportions by the county and State, upon a certified statement thereof by the Secretary of the Board of Review, filed with the court of county commissioners, or the Board or Court of like jurisdiction and with the State Auditor. The Tax Assessor shall be allowed twenty-five cents for each notice served as provided in this act, where the assessed valuation of any taxpayer's property is increased over the valuation as fixed for the preceding year, the same to be charged and collected as fees are collected for delinquent assessments.

Section 37. Having failed to procure on verbal or written demand from any delinquent his list of taxable property before the first Monday in February, the assessor shall ascertain from inquiry or otherwise the property and other subjects of taxation upon which such person is liable to be taxed, and shall list and make return thereof upon the proper blank and note upon such returns the failure of the owner after notice to make such return and the accrual of a penalty of ten per cent of the taxes to be assessed thereon.

Section 38. When the assessor shall have completed his work of assessing, valuing and equalizing property, which has been listed for taxation in his county and such valuation shall have been entered on the assessment lists, which shall not be later than the last Monday in March of each year, he shall certify over his signature to the correctness of the returns, showing valuations fixed by him, and he shall at once notify the State Tax Commission by registered mail, that he has completed his assessment, valuation and equalization work and that the tax returns are ready for the review and inspection as provided for in this Act. Such lists of property shall be by the assessor delivered to the Board of Review not later than the second Monday in April.

Section 39. Whenever the tax assessor shall discover that any property has escaped taxation in any assessment within five years next preceding the current year, he shall list, return and value said property for assessment for the years during which same has escaped taxation, and shall also endorse on such returns the year or years for which the property has escaped taxation, and the accrual of a penalty of ten per cent of the taxes assessed thereon for each year. The tax assessor shall give notice of such escape assessment, either in person or by registered

mail, to the owner, or to the agent or attorney of such owner, who may appear before the tax assessor in person within twenty (20) days after such notice is given, if there be any objection to the assessment valuation as finally fixed for taxation by the assessor, the property owner may appeal from the assessment to the circuit court of the county in which the property is located at the next regular session of such court after the assessment is made final by the tax assessor, and such property owner shall give bond as provided herein for tax cases appealed to the Circuit Court.

Section 40. No penalties assessed against any property owner or his property for failure to return property for taxation shall be remitted except by order of the State Tax Commission upon proof that the delinquent taxpayer was absent from the State, and had no resident agent therein during the time for making returns of property for taxation, or when such taxpayer labors under the disabilities of minority, or is a lunatic, or upon proof made that he was unable, by reason of sickness, to make such returns in time required by law.

Section 41. Whenever the tax assessor knows or learns of any property, real or personal, subject to taxation in his county, the owner of which he does not know, and which is not embraced in any tax return made to him, prior to the first Monday in February by any taxpayer, he shall list and make upon the proper blank a return describing said property according to the best information he can obtain and assess the same "owner unknown" at sixty per cent of a fair and reasonable market value, and in any notice or advertisement or motion for decree of sale it shall be described as so returned; and he shall also note the failure of the owner to make such return, and shall also note the accrual of the penalty of ten per cent of the taxes to be assessed thereon. No lands shall be returned to "owner unknown" until the assessor shall have made a demand upon the person, if resident in the county, or by registered mail, if non-resident, whose address is known, to whom such lands or property was last assessed, and the said assessor shall make a diligent inquiry to ascertain the name of the owner of said lands or property. Any assessor or deputy assessor who fails to comply with the requirements of this section shall be guilty of a misdemeanor.

Section 42. The tax assessor must make and enter in an assessment book, suitably ruled and substantially bound, in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year, showing in separate columns the name of the owner, a description of the real estate and improvements thereon, the assessed value thereof, and the value of the personal property assessed for taxation;

and the assessor shall compute and enter opposite the name of each taxpayer the aggregate amount of State, county and special taxes with which such taxpayer is charged. When the hearing of objections to assessments has been completed as herein provided, the tax assessor shall complete the said book by making the proper entries therein, and foot up at the bottom of each page the aggregate amount of such taxes and show in conclusion the aggregate of all such taxes. When appeals have been taken to the Circuit Court, as herein provided, this fact must be stated. Provided that in all counties which may now have or which may hereafter have property, the assessed value of which amounts to one hundred million dollars (\$100,000,000) or more, the assessor shall not be required to prepare a book of assessments as provided for in this section, but in lieu thereof shall be required to arrange in alphabetical order original assessment lists, and cause the same to be permanently bound, and such assessment lists when bound, shall constitute the book of assessments as herein provided, and the certificate of the State Tax Commission, or the agent or assistant thereof provided for in the next section, shall be entered upon each of said bound volumes of assessments. Such assessment lists when bound shall be preserved permanently as a matter of record. In making the tax collector's abstracts, such abstracts shall be made direct from the assessment lists.

Section 43. After the book of assessments has been completed as herein provided, the State Tax Commission or the agent or assistant thereof, shall certify on the book of assessments that the same has been examined and corrected by him by comparing the book of assessments with the tax returns showing final valuations, both as to items of property and amounts of assessments, and that the amount of State tax is \$..... (here give amount)....., the amount of county taxes is \$..... (here give amount)....., the amount of special tax is \$..... (here give amount)....., specifying the total amount of each of such taxes, and such certificate is to be the warrant to the tax collector of the county to proceed to collect such taxes in the manner directed by law.

Section 44. When the book of assessments has been completed as herein provided, the county tax assessor must without delay make out in triplicate upon forms to be furnished by the State Tax Commission, a complete abstract of all real and personal property as contained in the assessment book of his county, showing the total amount and value of each class of taxable property, and property exempt from taxation, and the amount of taxes on each item, extended in a column; such abstract of assessment must be approved and certified to by the State Tax Commission, one of which the said tax assessor must forward to the

State auditor not later than the second Monday in September of each year, one to the State Tax Commission, at Montgomery, and the other he must deliver to the tax collector by said date. The State auditor shall report to the Governor any tax assessor who for five days after the date required has failed to forward to the State auditor the abstract of assessment of his county, and the Governor shall forthwith require of such tax assessor an official report of the cause of such failure.

Section 45. After the book of assessments has been completed as herein provided, the tax assessor must enter in a book in concise form, the amount of taxes assessed against each taxpayer, showing separately the amount of taxes on real estate and personal property and other subjects of taxation, and the total amount of tax due, and the fees of the assessor with a blank for the fees of the collector; and such book he must turn over to the tax collector on or before the fifteenth day of September. For the services rendered by him in preparing such book, he shall receive compensation to be allowed by the court of county commissioners as follows, viz: In counties where the aggregate assessed value of real and personal property amounts to two million dollars or less, one hundred dollars; when the assessed value amounts to more than two million, and not exceeding four million dollars, one hundred and twenty-five dollars; when the assessed values amount to more than four million and not exceeding six million dollars, one hundred and seventy-five dollars; when the assessed values amount to more than six million and not exceeding eight million dollars, two hundred dollars; when the assessed values amount to more than eight million dollars such compensation as may be fixed by the court of county commissioners, not less than two hundred and fifty and not exceeding six hundred dollars; but any assessor who fails to complete such abstract by the time required shall forfeit all right to compensation.

Section 46. It is the duty of the tax assessor of every county in the State to procure at the expense of the county a book in the form to be prescribed by the State Tax Commission, in which he shall enter a complete map and list of all the blocks and lots which have been platted, and the maps of which are recorded in the office of the judge of probate or can be procured within his county, beginning with the lowest numbered block and lot and proceeding in numerical order to the highest, with the name of the owner set opposite each block and lot, together with the assessed value thereof. Each subdivision or addition to any town or city shall be shown by proper headings at the top of each page of such lot book, and by index in the front thereof. The tax assessor shall annually make the entries thereon, for which

he may be allowed a reasonable compensation by the court of county commissioners or board of revenue.

Section 47. The tax assessor shall make, or cause to be made, a complete plat book or books of all real estate in the county, unless such book or books have already been provided, in a form to be prescribed by the State Tax Commission, in which the name of the owner shall be entered on each separate subdivision, together with the assessed value thereof. The court of county commissioners or court of like jurisdiction shall pay out of the general fund of the county, for making out the plat books required by this and the preceding section, a reasonable compensation to the person performing said work, which debt shall be a preferred claim against the county.

Section 48. When the tax assessor has reason to believe that any person whose property has been or is due to be assessed for taxation, either for the current tax year or any preceding year, has removed or is about to remove from the county, or that such person is closing out or going out of business by selling or disposing of substantially all of his personal property on which taxes would be due on the next following October first, or where insolvency is impending, or where goods, wares or merchandise are advertised for sale at auction, bankrupt, insolvent, assignment or fire sale, or where goods, wares or merchandise are to be sold or advertised to be sold for the satisfying of creditors, he shall at once notify the tax collector in writing, if the property has been assessed, and if the property has not been assessed, the assessor shall at once make an assessment against the same and deliver the assessment so made to the tax collector, and on his failure to do so, he shall be liable for the full amount of the tax due on or to become due on such assessment. Advertisements in the newspapers or otherwise of a sale of any property as a closing out sale, bankrupt sale, fire sale, or any sale of like character, shall be prima facie evidence that the collection of taxes due or to become due on the next following October first, on such property, is endangered, within the meaning of this section.

Section 49. The tax assessor shall assess the taxes against each auctioneer, as provided by law, and shall enter the same on his books as in cases of other assessment, and such assessor shall immediately make a statement of such assessment and deliver the same to the tax collector for collection. Such taxes become assessable and payable immediately upon the expiration of each such auction sale.

Section 50. The members of the Courts of County Commissioners or boards of revenue, other than the Judge of Probate, of the several counties of the State, together with the tax assessor

of such counties, are hereby constituted a board of review, whose duty it shall be to inspect, review, revise and fix the value of all the property returned to or listed with the tax assessor for taxation each year; and it shall be the duty of the tax assessor of the several counties to act as secretary of such board, provided, however, nothing in this act shall be construed to require the tax assessor or boards of review to value any property required by law to be assessed for taxation by the State Tax Commission. The majority of the board of review shall constitute a quorum of such board for the performance of the duties required herein; provided that at any time the State Tax Commission shall deem it necessary, it may go or send their agent or representative into any county with authority to act in an advisory capacity and in conjunction with the board of review, and acting for the State Tax Commission, in the assessment and valuation of property for taxation, so as to effect and secure fairness and equality of tax assessment in such county and between and among all the counties.

Provided further that in all counties having a population of 75,000 and over according to the last or any subsequent Federal Census, three members of the board of review shall constitute a quorum.

Section 51. It shall be the duty of the members of the Commissioners or other court of like jurisdiction, at the regular February term in 1924, to sit with the tax assessor, and at such sitting select a chairman of the Board of Review herein provided for; and to make such rules and regulations as may be necessary to carry out the provisions of this act as to the assessment and valuation of property for taxation. (a) The Board of Review shall have authority at any time to make such rules and regulations as it may deem necessary to carry out the provisions of this Act, not in conflict with the provisions hereof.

Section 52. The members of the Courts of County Commissioners or Boards of Revenue, or courts of like jurisdiction of the several counties of the State shall receive, as members of the Board of Review, the same per diem and paid in the same manner as when sitting at a regular term of such Court of County Commissioners or Board of Revenue, when such compensation is fixed on a per diem basis, which compensation shall be in addition to that as now fixed by law, except in counties where such officials are paid a salary.

Section 53. Each member of the Board of Review herein created, before entering upon his duties, in addition to taking the regular oath of office now prescribed by the laws of the State of Alabama, shall take and prescribe to the following oath: "I do solemnly swear that I will faithfully discharge the duties of

adjusting tax values, and that I will fix the valuation of all property listed for taxation and submitted for review to the Board of which I am a member, on a basis of its fair and reasonable market value, to the best of my knowledge and ability, so help me God."

Section 54. When the assessor shall have completed the assessment, valuation and equalization work in his county, as provided in this Act, he shall notify each member of the Board of Review and such Board shall meet on the second Monday in April, and sit at the courthouse of the county from day to day until their duties are completed, which shall not be later than the first Monday in May, and shall review, revise, correct and fix the assessment values made by the tax assessor by raising or lowering the assessment of any person, partnership, corporation or association, except such assessments as have been approved by the State Tax Commission, as to any or all of the items of his assessment, in such manner as to secure the assessment of property at sixty per cent of its fair and reasonable market value. The majority of a quorum of the Board of Review shall govern in fixing the value for assessment of all property before them for determination.

Section 55. It shall be the duty of the Board of Review to meet on the second Monday in April and sit as long as may be necessary to carefully examine and inspect all tax returns and assessments delivered to it by the county tax assessor. If the Board finds that any taxpayer has neglected to make a return or has omitted from his return any property that should be returned, it shall be its duty to make up a return upon the proper blank, with a description of the property to be assessed, which property it shall then proceed to value and equalize in the same manner as other property is valued and equalized by it, and to the value thus placed thereon shall be added a penalty of ten per cent for failure of the owner of such property to properly return the same. The secretary of the Board shall by registered mail return receipt demanded, or in person give notice to the owner of any property which has been omitted from the tax return and has been assessed as provided by this section.

Section 56. Immediately upon the completion of the work of reviewing and adjusting assessed valuations by the Board of Review, required in this act, the tax assessor shall give notice by publication once a week for three consecutive weeks in a newspaper published in the county, and if no newspaper is published in the county, by posting notices in three public places in each precinct of the county, that the assessed valuations of all property listed for taxation have been fixed as provided by law and that the tax return lists showing thereon such assessed valua-

tions are in his office and open for public inspection, and that the Board of Review will sit at the courthouse of the county, on the first Monday in June to consider such protests as may be filed by any taxpayer as herein provided, and that any taxpayer who is not satisfied with the valuations of his property as fixed and entered on the return list as required herein, may file objections in writing to such assessed valuations with the Secretary of said Board, on or before the last Monday in May, and the taxpayer shall set out in such objections filed, the description of each item of property and his reason for making objections to the assessed valuation as placed thereon.

Section 57. For the purpose of hearing objections filed in writing to any assessments or valuations fixed as provided for herein, the Board of Review shall sit at the courthouse in their respective counties on the first Monday in June in each year, from 9 A. M. to 5 P. M., and shall continue as long as may be necessary, provided such sitting shall not be extended beyond the second Monday in July, unless otherwise ordered by the State Tax Commission, to dispose of all cases where objection to valuations or assessments has been filed in writing by any taxpayer, as provided in this act. At such sitting the property owner may appear in person, or by agent or attorney and produce evidence in support of objections if any, to any assessment or valuation theretofore made, and it shall be the duty of the Board of Review to examine under oath any complaining property owner, and to examine any other witnesses under oath as to the fair and reasonable market value of the property of such owner, and if it is found from the evidence that the valuation theretofore placed was not sixty per cent of the reasonable market value of such property, whether more or less, then the said valuation or assessment shall be corrected so that it will show sixty per cent of a fair and reasonable market value and such corrected amount shall constitute the assessed value of such property. But if it is found from the evidence that the assessed value placed on the property was sixty per cent of a fair and reasonable market value thereof, the said value shall stand as the assessed value of said property, unless an appeal is taken therefrom, as provided by this Act.

Section 58. When the work of hearing objections against values fixed on taxable property, shall have been completed by the Board of Review, the tax assessor shall enter upon the tax return lists the corrected values, if any changes have been made therein, which changed or altered value shall be the taxable value of the property or properties, unless an appeal is taken as herein provided, or unless otherwise ordered by the State Tax Commission.

Section 59. In cases where objection has been made by any taxpayer, his agent or attorney, as provided herein, to the taxable value fixed by the Board of Review, on any property assessed against such taxpayer, and such objections have been overruled by said Board, such taxpayer, his agent or attorney may take an appeal from the action of said Board in overruling his objection, to such valuation, to the Circuit Court of the county in which the taxpayer's property is located; and such taxpayer shall give like bond as provided for herein for tax cases appealed to the Circuit Court.

Section 60. All appeals from the rulings of the Board of Review fixing values of property shall be taken within thirty days after the final decision of said Board fixing the assessed valuation as provided for in this act, and the taxpayer shall give bond with sureties to be approved by the clerk of the court to which the appeal is taken and payable to the State of Alabama, conditioned to pay all costs created by the appeal and abide and perform whatsoever judgment said court may render in the premises. On such appeal either party may demand a trial by jury in the same manner as provided in appeals from justice of the peace courts as in civil cases.

Section 61. The trial upon appeals to the Circuit Court shall be de novo and the Court shall render a judgment ascertaining and fixing the assessable value of property involved. All such appeals shall be set for trial at the first succeeding term of the Court after the appeal is taken; provided, however, that no appeal shall suspend the right of the State and counties to collect from the taxpayer the taxes due upon his property as fixed for assessment for the preceding tax year, and the taxpayer shall, when the taxes are due, pay all taxes due at the assessed value for the preceding year. From the judgment of the trial court, either the State or the taxpayer may appeal to the Court of Appeals, or to the Supreme Court, as in civil cases, within thirty days from the rendition of the judgment. In the event the judgment of said Court shall be rendered after the taxpayer shall have paid taxes based upon the assessed valuation for such preceding year, then the Court shall render its judgment, determine and fix the assessed valuation of said property as aforesaid; and the taxpayer shall be adjudged to pay the difference required by such increased assessed valuation, and the judgment shall show this fact. Provided, however, that if the court trying the case shall find that the value of the property is less than the assessed value upon which such taxpayer has paid taxes for the year in question, such fact shall be certified by the clerk of the court to the county tax assessor and tax collector and the taxpayer shall be entitled to be paid back the amount in excess of his taxes

actually due, by the tax collector, and the tax collector shall have credit therefor as an error in assessment on his settlement with the State and county authorities.

Section 62. The failure of the tax assessor, Board of Review, or the State Tax Commission, to perform any of the duties of assessing and valuing property, or hearing objections to assessment valuations, at the time prescribed, or to complete such duties within the time specified by this act, shall not invalidate any assessment or any act of such tax assessor, Board of Review or State Tax Commission, made or done after the expiration of such time. The duty of the tax assessor to inspect and examine real property in his county is directory and failure to do so shall not invalidate assessments and valuations made by the assessor or the Board of Review or the State Tax Commission.

Section 63. Whenever under the provisions of this act any notice, subpoena, or writing is required to be given or served, the same shall be served by any sheriff in this State or his deputy, or by any lawful constable, of this State, except as otherwise provided by this Act. The compensation of such officer for serving such notice, subpoena, or writing shall be the same as is now allowed the sheriff for summoning witnesses for the Circuit Court in civil cases, which shall be paid by the Court of County Commissioners, or court of like jurisdiction of the county.

Section 64. The Circuit and County Solicitors, together with any special counsel employed by the State Tax Commission, with the approval of the Governor, shall represent the State and county in all tax cases appealed to the Circuit Court. The Circuit and Deputy Solicitors are prohibited from representing taxpayers in any controversy between such taxpayer and the State or county.

Section 65. The Chairman of the State Tax Commission shall receive a salary of four thousand dollars (\$4,000) per annum and the associate members of the State Tax Commission shall receive each a salary of four thousand dollars (\$4,000) per annum for the time that he actually holds office, such salaries to be paid out of the State treasury in the same manner as the salaries of other State officials are paid.

Section 66. The State Tax Commission may appoint a secretary at a salary of not more than two thousand, four hundred dollars (\$2,400.00) per annum, which salary shall be paid out of the State Treasury in the same manner as the salaries of other State officials are paid. The State Tax Commission may employ such other persons as experts, engineers, stenographers, clerks or assistants as may be necessary for the performance of the duties which may be required of said Commission, and said Commission shall fix the compensation of such other persons,

with the approval of the Governor, such compensation to be paid out of the State treasury upon a warrant drawn by the State Auditor on a certificate or voucher of the Commission approved by the Governor. There is hereby appropriated out of the general treasury the sum of one hundred and twenty-five thousand dollars (\$125,000.00), per annum, or so much thereof as is necessary, for the purpose of paying all expenses not otherwise herein provided for, which the State Tax Commission is authorized to incur under this act; provided, however, that the salaries of the members and the Secretary of the State Tax Commission shall not be charged against this appropriation.

Section 67. It shall be the duty of the State Tax Commission, and it shall have the power and authority, in addition to the authority now in it vested by law, (a) to have and exercise general and complete supervision and control of the valuation, equalization and assessment of property, privilege, or franchises, and of the collection of all property, privilege, license, excise, or corporation franchise taxes, for the State and counties, and of the enforcement of the tax laws of the State, and of the several county tax assessors, and county tax collectors, probate judges, and each and every State and county official, board or commission charged with any duty in the enforcement of tax laws, to the end that all taxable property in the State shall be assessed and taxes shall be imposed and collected thereon in compliance with the law, and that all assessments on property, privileges, and franchises in the State shall be made in exact proportion to the fair and reasonable market value thereof in substantial compliance with the law. (b) To equalize, value and assess, or cause to be equalized, valued and assessed, any property subject to taxation, and such valuations and assessments it shall enter or cause to be entered in the proper assessment book, or record, or minutes of the proper official, board or tribunal; to set aside all assessments so entered in any assessment book, record or minutes, and, after ten days' notice given the taxpayer which notice shall be given by registered mail, return receipt demanded, of the time and place of hearing, revalue and reassess said property, and cause such revaluation and assessment to be entered in the proper assessment book record or minutes, in lieu of the original valuation and assessment, provided, that no reassessment or revaluation shall be made of any particular assessments from which an appeal is then pending, or if the valuation of the property for that year has been fixed on appeal by the Circuit Court, the Court of Appeals or Supreme Court; provided further that parties may appeal from such revaluation and reassessment to the Circuit Court within like time and in like manner as from the valuation and assessment as fixed by the Board

of Review. (c) To confer with, advise and direct the several county tax assessors, county tax collectors, probate judges, Boards or Commissions, and each and every State and county official charged with the assessment and collection of taxes, as to their duties under the laws of this State. (d) To direct suits to be instituted by the Attorney General, Circuit or deputy solicitors, or attorneys specially employed for such purpose, for the collection of any taxes or penalties due the State or any county, or to compel any officer or taxpayer to comply with the provisions of the tax laws; to direct actions, prosecutions and proceedings to be instituted to enforce the laws of this State relating to taxes, penalties, forfeitures and liabilities, and for the punishment of any public officer, or any person or any officer or agent of any corporation, company or association, for failure or neglect to comply with the provisions of the tax laws, and to cause complaints, informations, actions or prosecutions to be made or instituted against any tax assessor, tax collector, probate judge, or other public official, for the removal of such officers for official misconduct or neglect of duty. (e) To require circuit or deputy solicitors, and the Attorney General of the State, to commence and prosecute, within the respective jurisdiction or spheres of official duty of said officers, actions, proceedings and prosecutions for penalties, forfeitures, impeachments, and punishments for violations of the tax laws of the State. (f) To require any public official in the State to report information as to valuation, equalization and assessment of property, privileges or franchises, gross receipts, collection of taxes, receipts from licenses and other sources, methods of taxation, values of franchises or intangible property or assets subject to taxation, and such other information as may be needful in the work of the State Tax Commission in such form and upon such blanks as the Commission may prescribe and furnish. (g) To require individuals, partnerships, associations and corporations, and the agents, officers and employees thereof, to furnish information concerning their capital, funded or otherwise, gross receipts, net profits or income, excess profits, current assets and liabilities, values of franchises, value of property, earnings, operating and other expenses, bonds, deeds, conduct of business, and all other facts, records, books, papers, documents and other information of any kind demanded which may be needful, in order to enable the Commission to ascertain the value and relative burden to be borne by every kind of property in this State, and to ascertain the proper amount of license, privilege, excise or corporation franchise taxes. (h) To summon witnesses to appear and give testimony, and to procure records, books, papers, documents, and all other information of any kind or character

required relating to any matter which the Commission shall have authority to investigate and determine. The witnesses may be summoned by subpoena issued by any member of the Commission, or by the Secretary thereof, in the name of the Commission, directed to any sheriff of Alabama, and returnable to the Commission, which subpoena may be served in like manner as subpoenas issued out of any Circuit Court; or the subpoenas may be served by registered mail, addressed to the witness with return receipt demanded. In either case the subpoenas must be served at least five days previous to the time named therein for the appearance of the witness. Subpoenas duces tecum to any witness to appear and produce any records, books, papers or other documents, may be issued and served in like manner; provided that no officer of any bank or banking institution shall be required to disclose to the Commission or any of its agents or clerks the deposits of its customers. (i) To cause the deposition of witnesses residing within or without the State to be taken upon such notice to the interested party, if any, as the Commission may prescribe, in like manner as depositions of witnesses are taken in actions pending in the circuit court, in any matter which the Commission has authority to investigate and determine. The deposition shall be taken upon a commission issued by the State Tax Commission, or the Secretary thereof, in the name of the Commission, and returnable to the Commission. (j) To visit in a body or separately or by duly authorized agents, the several counties in the State for the purpose of investigating the works and methods of county tax assessors, or other officers or boards charged with the duty of administering the tax laws of the State; to examine carefully into all cases where evasions or violations of the tax laws are alleged, complained of or discovered, and to ascertain wherein existing laws are defective, or are improperly or negligently administered; and to report the result of the investigation and the facts ascertained to the Governor from time to time when required by him. (k) To investigate the tax system of other States; to thoroughly inform themselves upon the subject of taxation and of the progress made in other States and countries in improving their tax systems; to formulate and recommend such legislation as may be deemed expedient to prevent evasions of existing tax laws, and to secure just and equal taxation and improvements in the system of taxation in this State. (l) To consult and confer with the Governor upon the subject of taxation and the administration of the laws, and progress of the work of the Commission, and to furnish to the Governor from time to time such information as he may require. (m) To transmit to the Governor, thirty days before the meeting of the Legislature, a written re-

port showing all the taxable property in the State and the values of the same, in tabulated form, with recommendations for improvements in the system of taxation in the State, together with suggestions of such measures as the Commission may formulate for the consideration of the Legislature in regard thereto. (n) For good reason shown and entered on the minutes of the Commission, to extend the time for filing any report or written statement required to be filed with the State Tax Commission. (o) To inspect and examine at all reasonable business hours, as a body, separately, or by agents, any books, documents, records or papers kept by any person, firm or corporation. (p) To issue executions, directed to any sheriff of Alabama, on any final assessment or judgment made or rendered by it. (q) To perform such other duties as are or may be imposed on it by law. (r) The majority of the State Tax Commission shall constitute a quorum.

Section 68. Whenever the State Tax Commission has set aside and held for naught any assessment of property, except as otherwise provided herein, it shall give notice by mail, of such action to the Tax Assessor of the county in which the property involved is located and to the owner of such property, by registered mail, return receipt demanded. As soon as practicable after any property assessment has been set aside by the State Tax Commission, the Commission shall make a revaluation and reassessment of the property and give notice to the property owners of such reassessment and revaluation, and in the same notice set a date for the hearing objections, if any be made, to the valuation so fixed, and the hearing of objections shall be held at the office of the State Tax Commission, in Montgomery, Alabama, or at the court house of the county in which is located, the property involved in the assessment, if demanded by the taxpayer, his agent or attorney, and when such assessment shall have been completed and made final by the Commission it shall notify the tax assessor of each county in which such property so revalued and assessed is situated, of the amount of the assessment in such county, together with a general description of the property as assessed, which the assessor must enter in the book of assessments in addition to the assessment of other real estate and personal property.

Section 69. The Secretary of said Commission shall keep full and correct minutes and records of all hearings, transactions, proceedings, and findings of the Commission, and he shall perform such other duties as may be required of him by law or by said Commission from time to time. The Commission shall make all needful rules, not inconsistent with law, for the orderly, efficient and methodical performance of its duties, and for conducting hearings and other proceedings before it. In any case

where notice to a taxpayer is necessary of any proceedings by or before the Commission, and such notice is not specifically provided for in this act, the taxpayer shall be given ten days' notice thereof.

Section 70. That it shall be the duty of the State Tax Commission to examine such of the tax records of the several counties as will enable it to ascertain whether the tax valuation of the various classes of property as made in the respective counties of the State, is reasonably uniform as between the respective counties, and is in proportion to the fair and reasonable market value of the property assessed. The purpose and intent of this act is to bring about as far as practicable an equalization throughout the State of the value of the various classes of property subject to taxation, so that the proportion of the fair market value of the property as fixed for assessment in one county shall be in due proportion to the value of the same classes of property in other counties, fixed on the same basis for assessment, and that such classes of property in every county shall bear their proportion of the tax provided by law. If it shall appear to the said State Tax Commission that in any one or more counties of this State, or in any municipality or precinct of any county, the taxable values upon any one or more classes of property are not reasonably uniform with the values fixed upon the same classes of property in other counties, or are not in proportion to the fair and reasonable market value of such property, the State Tax Commission shall investigate and inquire as to the reason therefor, and after making such investigation and comparison, shall have authority to order and direct the Board of Review to readjust and re-equalize the same for the current or succeeding tax year, so that each item of property will bear its just proportion of the taxes as provided for herein. And the State Tax Commission shall thereupon notify the Secretary of the Board of Review of the county affected, and the State Auditor, that the county, precinct or municipal valuations upon the classes of property specified in said notice will be readjusted as provided herein, and the State Auditor shall thereupon return to said county its tax abstract and other tax returns for correction accordingly.

Section 71. That upon the giving of such notice by the State Tax Commission of the revaluing and re-assessment ordered to be made of property within said county, it shall be the duty of the secretary of the Board of Review receiving such notice to call without delay a meeting of said Board of Review, and to notify the State Tax Commission of the date on which said Board is called to meet, and it shall be the duty of said Board to convene on the day named in such notice, and at such meeting the Board

shall re-value and equalize the class or classes of property within the county, precinct, or municipality, as specified by the State Tax Commission, so as to conform to the findings and orders of the State Tax Commission by so re-valuing and equalizing each item of said classes of property so that such item will bear its just proportion of tax as provided by law. If the Board of Review fails or refuses to make the changes and corrections thus ordered to be made by the State Tax Commission, then the State Tax Commission shall itself, from such information it has, or may obtain revalue and equalize the property involved, and the expense of such re-valuation and equalization shall be paid by the county so affected and by the State in the same proportion that the State tax levy and the county tax levy bears to the total State and county levy for ad valorem taxation. In counties where State Tax Commission makes a re-valuation and equalization of property for assessment, the tax assessor shall receive commissions only on the basis of the original assessment as made by him.

Section 72. Whenever the work of re-valuing and equalizing any class or classes of property has been completed by order of the State Tax Commission, as provided herein, and the revised valuation has been entered on the tax return list, the Board of Review shall certify under their signatures to the correctness thereof, and shall deliver said tax return list showing such assessment and re-valuation, to the assessor of the county, as their report and the tax assessor shall hold them in his office subject to public inspection. The Tax Assessor shall then give notice by publication once a week for three consecutive weeks in a newspaper published in the county, if any be published in the county; and if no newspaper is published in the county, by posting notices in at least three public places in the county, that the Board of Review has returned its report and that the same is open to public inspection, and that said Board will convene at the courthouse in the county on a day to be named and fixed in said notice, to correct any errors in the valuations. In the event the property of any taxpayer is increased by the Board of Review when revaluing and equalizing assessments as provided in this section, over the assessed value as originally fixed by such Board, the taxpayer shall be furnished by registered mail, return receipt demanded, or in person, with a statement showing separately the revised value of his personal property and his real property, and also that such taxpayer may file in writing with the Secretary of the Board of Review within ten days from the date of such notice, objections, if any are made, to the revaluation made as herein provided; and that the Board of Review will sit on a day to be named and fixed in such notice, when the complaining taxpayer, his agent or attorney may appear and

produce evidence in support of any objection as filed. But failure to give or receive such notice shall not invalidate any assessment, provided, however, that the taxpayer shall have the right at any time before the taxes become delinquent to appear before the Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase. It shall be the duty of the Board of Review to convene and sit at the courthouse in their respective counties on the day named and fixed in said notices, and remain in session as long as may be necessary for the purpose of hearing objections, if any, that have been filed in writing against said revaluation or equalization so fixed by said Board; and at such sitting the complaining property owner may appear in person or by agent or attorney and produce evidence in support of objections to assessment valuations as fixed on his property; and it shall be the duty of the Board of Review to examine complainant under oath and to examine any other witnesses under oath, as to the fair and reasonable market value of the property of said owner, and if it finds from the evidence the revaluation placed by it on the property was not sixty per cent of the fair and reasonable market value of such property then it shall correct the valuations and enter such corrected value upon the tax return on which said property is listed for taxation, so that such return will show sixty per cent of the fair and reasonable market value, and such corrected amount so entered by the Board shall constitute the taxable value of such property; but if the said Board shall find from all the evidence that the re-valuations placed by it on the property was sixty per cent of the fair and reasonable market value, then said valuation thus made shall remain and stand as the assessable value for taxation of said property. The revised and corrected property valuation thus made shall be fixed as the legal valuation of the property for the payment of the taxes, and it shall be the duty of the taxpayer to pay his taxes thereon accordingly. In the event the re-valuation and equalization provided herein is made by the State Tax Commission, the State Tax Commission shall certify to the correctness of the revised tax assessments and the newspaper publication shall be made and notices given as when the Board of Review revalues and equalizes property; that the State Tax Commission will sit on the date fixed in the said notices to hear evidence in support of objections, if any, filed in writing with the tax assessor to re-valuations and equalizations made by it; at such sitting the complaining property owner may appear in person or by agent or attorney and produce evidence in support of objections filed by him in writing to any revaluation of his property. And it shall be the duty of the State

Tax Commission to examine any other witnesses under oath, as to the fair and reasonable market value of the property of said owner, and if it finds from the evidence that the readjusted value placed by it on the property was not sixty per cent of the fair and reasonable market value of such property, then it shall correct the valuations and enter such corrected value upon the tax return on which said property is listed, so that such return will show sixty per cent of the fair and reasonable market value and such corrected amount so entered by the State Tax Commission shall constitute the taxable value of such property; but if the State Tax Commission finds from all the evidence that the valuations placed by it on the property was sixty per cent of the reasonable market value, then said valuations thus made shall remain and stand as the assessable value for taxation of said property. From the re-valuation and equalization made as herein provided, the taxpayer may appeal to the Circuit Court.

Section 73. Any person may be required to appear as a witness before the State Tax Commission and testify to any matter which the State Tax Commission is authorized by law to investigate, and in the event the State Tax Commission or its designated agent is refused access at the place where same are kept, to any records, books, papers or other documents relating to any matter which the State Tax Commission shall have authority to investigate or determine, then such records, books, papers or documents shall be produced before the Commission at the Courthouse of the County in Alabama in which is located the main office or principal place of business of the person, firm or corporation involved in the investigation being made by the State Tax Commission.

In case any witness who has been summoned to testify before the State Tax Commission shall fail or refuse to testify to or make answer to any material question relating to any matter under investigation or consideration of the Commission, or to produce any records, books, papers or other documents in his custody or control when required to do so, as herein provided, any Circuit Court or Court of like jurisdiction or any judge thereof, upon application of any member of the Commission, shall issue an attachment for such witness and compel him to comply with the summons and to attend before the Commission and produce such books, documents, papers or records and give testimony upon such matters about which he may be lawfully interrogated; and the Court or judge thereof may punish such witness for contempt as in the case of disobedience for a like subpoena issued from such Court for the refusal to testify in any cases pending therein. Any person who wilfully refuses to appear or furnish the information required of him shall be guilty of a misdemeanor.

Section 74. It shall be the duty of the State Tax Commission to assess for taxation all property of all railroads companies, street and suburban railroads, or sleeping car companies, persons or companies operating railroad or street railroads, or suburban railroads or sleeping cars in the State; all express companies, including railroad companies, doing an express business, and all telephone and long distance telephone, and all telegraph companies, person or persons doing an express, telephone or telegraph business; all gas, water, electric light or power, hydro-electric power companies, steam heat, refrigerated air, dockage or crantage, toll road, toll ferries, toll bridges, railroad equipment or navigation companies, and the property of all other public service or public utility corporations, and all property not required by law to be listed for taxation with the county tax assessor; and the owner, the president, general manager, or agent having control of the company's affairs in this State shall make returns of all property of said company located in this State to the State Tax Commission. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000 as provided by law, such company shall not be assessed for taxation under this section.

Section 75. Whenever the State Tax Commission shall have completed the assessment of the property of any person, firm or corporation required by law to be assessed by such Commission, it shall give notice in writing by registered mail to the owner, officer, agent or attorney making such return, or if no return has been made, then such notice to be addressed by registered mail to the party against whom the assessment has been made, giving notice that the assessment of the property has been completed, the date of the final assessment, and the total amount of such assessment.

Section 76. In addition to the persons and property subject to assessment by the State Tax Commission, as provided herein, the State Tax Commission shall also assess for taxation against the owner thereof all rolling stock operated or used over railway lines in this State, when such owner is not the railway company operating or using such stock. The term "rolling stock" shall be held to mean and include all sleeping cars, dining cars, box, coal, ore, fruit, tank, gondola, furniture, automobile or refrigerator cars, or any other cars whatever named, operated or used over any railway lines in this State, if said cars are not otherwise listed for taxation in Alabama. Such assessment so made against each owner of said cars shall be based on the reasonable market value of the average number of cars so operated or used over railway lines in Alabama during the preceding twelve months. The ascertainment of the average number of said cars

and their reasonable market value shall be made under such fair and reasonable rules and regulations as may be perscribed by the State Tax Commission. Each owner, or the president, secretary, treasurer, superintendent, or other agent thereof, shall annually before the first Monday in March make and file with the State Tax Commission a statement under oath, on the form prescribed by the State Tax Commission, showing (a) the total number of its cars operated on each railway line in Alabama during the preceding twelve months; (b) the total mileage covered by such cars in Alabama during the preceding twelve months; (c) the total receipts for the operation or use of said cars in Alabama during the preceding twelve months; (d) the separate mileage covered by such cars over each separate railway line in Alabama, and the separate receipts from each separate railway line in Alabama for the preceding twelve months; (e) the reasonable market value of each car operated or used on railway lines in Alabama during the preceding twelve months; (f) the average number of cars operated or used on railway lines in Alabama during the preceding twelve months and the reasonable market value of each car; and such other information as may be required by the State Tax Commission; (g) each railway company in Alabama shall also annually before the first Monday in March make and file with the State Tax Commission, under oath of some executive officer of the railway company, and on such form as may be prescribed by the State Tax Commission, a statement containing, as to all its railway lines in Alabama, all the detail data required of the owner of the rolling stock described in this section. From the reports filed with it by the owner of such rolling stock and by the several railway companies in Alabama, and from such other information as may be obtained by it, the State Tax Commission shall before the first Monday in June of each year, or as soon thereafter as practicable, assess to each owner of said rolling stock sixty per cent of the reasonable market value of the average number of cars of said owner operated or used on railway lines in Alabama during the preceding twelve months. Whenever the State Tax Commission shall have completed the assessment of the rolling stock required by this section, it shall give notice in writing by registered mail of such assessment, showing the number of cars assessed, the taxable value fixed and the amount of taxes due the State on such assessment.

Section 77. There shall be subject to taxation in this State the franchises, or intangible property and assets of each and every corporation, whether organized under the laws of this State, or of any other State or government, and of each and every individual, association or partnership or company en-

gaged as common carrier, wholly or partly in this State, in the business of transporting freight of any description or passengers, or both, over any railroad, including street railroads, or of operating any cars of any kind over any railroads for the transportation of passengers or of property of any kind for others, or for the public, including sleeping cars, parlor or palace cars, chair cars, equipment cars of any kind, or engaged in the business of maintaining or operating for gain any telegraph or telephone lines, plant or business, or any plant or business for the production, manufacture, distribution or sale of gas, electricity, electric light, electric power, water, steam heat, and refrigerated air or other similar substance, by means of wires, pipes or conduits constructed, operated or maintained on, over, under or through any territory or any street, alley, or highway in this State, or in the business of operating for gain any dockage, wharfage, canal, freight or passenger depots, station or terminals, toll bridges and toll ferries; or engaged in any other business which may be dependent upon the grant of public powers or privileges, or which may involve the operation of any public utility; and of each and every individual, association, partnership, company or corporation which has and exercises under authority granted by charter, statute, or other provision of law, whether of this State, or any political subdivision thereof, or of any other State or government, any special or exclusive privilege, franchise or function, which is or may be dependent upon the grant of public power or privilege, or which involves the operation of any public utility. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section.

Section 78. Between the first day of January and the first day of March in each year, every company, corporation, association and individual embraced within the provisions of Section 74 of this act, or coming otherwise within its scope and intent, shall make out and deliver to the State Tax Commission of Alabama a statement containing the information hereinafter prescribed, which statement shall be duly verified by the affidavit of one of the officers of the company, corporation, or association, or by the individual in whose behalf it is made.

Section 79. Each such statement shall show the following items and particulars as the same stood on the next preceding first day of October, together with any other facts or information that may be called for by said State Tax Commission. 1. The name and principal place of business of the company, corporation, association, or individual in whose behalf the statement is made, and the character of the business engaged in.

2. If a company, association, or corporation, the State or government under the laws of which it was incorporated, or authorized to do business, the date of original organization, the date of re-organization, consolidation or merger, and the purpose of its incorporation as expressed in its charter or articles of association. 3. The place where all books, papers and accounts are kept, and the names and postoffice addresses of the president, secretary, treasurer, superintendent, general manager, general counsel, directors, and all other general officers thereof. 4. The locality of its principal office, the total amount and any kind of business done by it in this State, and the total gross receipts derived from its business in this State, including a due proportion of its interstate business, if it has done any business of that character. 5. Its total authorized capital stock and the number of shares of stock issued and outstanding, and the par or face value of each such share. 6. The market value of said shares of stock; if they have no market value, then the statement must show the actual value thereof, and the highest price at which any share has sold during the next preceding twelve months. 7. A brief statement of each item of real estate and of the improvements thereof, and all the buildings, structures, machinery, fixtures and appliances, and all other tangible property and assets owned and assessed, or liable to assessment for the same year, within this State, and the location and assessed value thereof, and the county, city or town wherein the same is assessed for taxation for State, county and municipal purposes, or is liable to assessment. 8. A brief description of each tract of land and of the improvements thereon, and of the buildings, structures, machinery, fixtures and appliances, and all other tangible property and assets having a fixed situs outside of the State and the location of each item of such property, and the purpose for which it is used, and whether or not it is specifically used in the business of the company, corporation, or association, or individual in whose behalf the report is made, and its true and fair market value, and the sum of the value at which it is assessed for taxation, and the locality in which it is assessed. 9. A statement of each and every lien, mortgage and other charge upon the whole or any part of the property of said company, corporation or association, or individual, and a detailed statement of all series of bonds, debentures and other securities forming a part of its funded debt, with date and issue, maturity and rate of interest, together with a statement of the property encumbered or charged thereby, and of the total amount of unpaid debts secured by each mortgage, lien or charge, and of the interest charged thereon, and to what extent interest has been paid, and the true and fair market value of every such debt.

10. A statement of the gross income and earnings for the preceding fiscal year of the person, firm, corporation, or association, including therein all interest on investments and all rents, profits, revenues and receipts from every source whatsoever, and a statement of the income used for repairs, and of the amount used for betterment, and the amount used for extension.

11. Every railroad company and telegraph company, and every telephone company and every pipe line company, shall show in each statement made by it the following particulars, which are in addition to the foregoing requirements, to-wit: (a) The total length of all lines of said company, whether within or outside the State, and (b) the total length of so much of said lines as are within this State, and (c) the length of its lines in each of the counties and cities and towns of this State into or through which its lines extend. The length of the lines of the telegraph and telephone companies shall be estimated and stated according to its mileage of poles, conduits, or cables, or either. 12. Every sleeping car company, parlor or palace car company, dining car company, chair car company, equipment company and company operating cars of any kind and every other kind over any railroad, shall also in addition to the said foregoing requirements, show by each of its statements (a) the total mileage traveled by the cars of said company during the next preceding twelve months, whether within this State or beyond its borders, and (b) the total mileage traveled by such cars within the State during the same period. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section.

Section 80. Within twenty days after making the valuation of any such franchises or intangible property, the State Tax Commission shall give notice in writing by registered mail, addressed to, or by personal service on any officer, superintendent, cashier or manager or the owner of said franchises or intangible properties, stating the valuation fixed by it and that on a day specified, it will meet and determine any complaint against said valuation which notice must be served at least ten days before the day fixed for the hearing.

Section 81. Whenever and wherever a notice is required by law to be given by the State Tax Commission, the Board of Review, the tax assessor, or the collector, relating to the assessment and collection of taxes, and the method of giving such notice is not prescribed, then such notice shall be given by registered mail, return receipt demanded, addressed to the last known address of the taxpayer.

Section 82. It shall be the duty of the Courts of County Commissioners or Boards of Revenue of the several counties in

this State to supply the Tax Assessor, Tax Collector and Board of Review, with all necessary books, stationery and printed blanks for the proper conduct of their several offices, and failing to do so, the Assessors and Collectors and Board of Review may purchase books, stationery and printed blanks in behalf of the county, and the cost thereof shall be preferred claim against the county.

Section 83. That the net proceeds of the excise tax on gasoline or other liquid motor fuels in this State prescribed by an act of the Legislature of Alabama, entitled, An Act "imposing an excise tax on persons, corporations, co-partnerships, companies or associations engaged in the business of selling, or distributing gasoline, or other liquid motor fuels in this State, providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act" approved February 10th, 1923. After payment of all costs and expense of administration and collection, which amount shall not exceed twelve thousand dollars per annum, shall from and after the first day of October, 1923, next after the passage of this Act be divided and distributed equally among the sixty-seven counties of this State to be collected and paid to each of the several counties as provided by the provisions of that Act. Provided that all the funds derived by the several counties from said tax shall be expended exclusively for maintenance and repair of roads, highways and bridges in said counties. The use or expenditure of any of said funds in any other manner or for any other purpose than as provided herein, by the governing body of any county or any individual member of said body shall constitute a misdemeanor punishable by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, and by imprisonment in the county jail or at hard labor for the county for not less than one nor more than twelve months. The Chief Examiner of Public Accounts is hereby specially charged with the duty of examining into and determining each year whether or not said funds have been used or expended as herein provided. Whenever said Examiner of Public Accounts discovers a violation of any provision of this section he shall forthwith report same to the Attorney General whose duty it shall be to direct the prosecution of said offense.

Section 84. In all counties where county officials are paid on a salary instead of a fee basis, all fees allowed under the terms of this act to be paid to or collected by county officials, shall, by said officials be paid into the county treasury, or to such official performing the duties of county treasurer, except as provided in

amendment to Section 197 of General Acts, 1919, approved November 1st, 1921.

Section 85. Wherever the terms "County Commissioners," "Court of County Commissioners" or "Boards of Revenue" are used in this act they shall be meant to include "Boards of Road and Revenue Commissioners."

Section 86. All proceedings for the assessment or collection of any taxes now pending before any board or officer whose authority, power or jurisdiction is terminated by this Act, shall be and is immediately transferred from such officer, court or board, to the officer, court or board having authority and jurisdiction under this Act, and shall be prosecuted and proceeded with as if originally commenced by or before such board or officer.

Section 86-A. That the term of office of all county tax assessors and all county tax collectors be and is hereby extended for a period of two years from the expiration of their present term of office; the incumbent to hold office until his successor is elected and qualified.

Section 86-B. There shall be elected at the general election in November, 1926, a tax assessor and a tax collector for each county in the State who shall perform such duties as are prescribed by this Act, or as may now or hereafter, be provided by law, and whose term of office shall be four years beginning October 1st, 1927.

Section 87. The State Tax Commission shall have compiled, properly indexed and printed in pamphlet form, two thousand copies of this Act, together with all other laws relating to the revenue of the State, and relating to the assessment of the State and county ad valorem, franchise, license and privilege taxes, and relating to the duties of the several State and county officials in the assessment and collection of such taxes. The cost of compiling, indexing and printing shall not exceed one thousand dollars, which amount, or as much thereof as may be necessary, is hereby appropriated for this purpose and the State auditor shall issue a warrant for the same upon a certificate of the chairman of the State Tax Commission.

Section 88. That Sections one, two, six, seven, eight, nine, twelve, seventeen, eighteen, nineteen, nineteen and one-half, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-five and one-half, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-three, thirty-four, forty-four, forty-seven, forty-nine, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-

two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, one hundred eight, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-eight, one hundred thirty-nine, one hundred forty-four, one hundred forty-five, one hundred forty-six, one hundred forty-eight, one hundred fifty-one, one hundred fifty-three, one hundred fifty-seven, one hundred sixty-three, one hundred sixty-seven, one hundred sixty-eight, one hundred seventy, one hundred seventy-one, one hundred eighty, one hundred ninety-one, three hundred nine, three hundred ninety-five, four hundred thirteen of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved September 15th, 1919, be and the same are hereby specifically repealed.

Section 89. If any sections, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision or portion of this act which is not in and of itself unconstitutional.

Section 90. Except as otherwise provided in this act, all the provisions of this act shall go into effect on the first day of October, 1923.

Section 91. All laws in conflict with the provisions of this act are hereby repealed, provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this act and which are not herein expressly repealed, are not hereby repealed.

ADJOURNMENT.

Pending the consideration of the Senate amendment to the bill H. 294, the House, on motion of Mr. Ware, adjourned until tomorrow morning at ten o'clock A. M.

THIRTY-THIRD DAY.

House of Representatives,
Friday, August 17, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Adams, of Blount county.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Mr. Speaker	Fanning	Kilpatrick	Sanders (Conecuh)
Adams	Ferrell	Lee	Sanders (Pike)
Adcock	Forman	Letson	Sessions
Allen	Gaines	Long	Smith (Clay)
Arrington	Glenn	Love	Smith (Jefferson)
Ashcraft (Fayette)	Glover	Luck	Smith (Lee)
Ashcraft (Lauderd ^l)	Goode	McDaniel	Snodgrass
Bealle	Goodwyn	McGowen	Sollie
Blackwell	Graves	Melton	Stewart (Biob)
Bowen, Lewis	Grove	Mooneyham	Stewart (Calhoun)
Bowen, L. K.	Guy	Moorer	Thompson (Etowah)
Boykin	Hall	Moxley	Thompson (Jackson)
Burns	Hampton	Nichols	Tiller
Burton	Hatter	Norman	Tunstall
Byars	Hawkins	Odom	Tyson
Calloway	Henley	Parker	Varner
Cato	Henson	Patterson	Verner
Christian	Hodgson	Pickens	Walker
Coleman	Holcombe	Poole	Wall
Cook	Hornsby	Posey	Walton
Culver	Howard	Powell	Ware
Deloney	Howze	Ringer	Mrs. Wilkins
Dickinson	Hubbard	Rountree	Williams
Dunwoody	Jeter	Rutherford	Wyatt
Elliott	Jones	St. John	Young
Embry	Kilborn		

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A quorum was present.

LEAVE OF ABSENCE.

Was granted to Messrs. Dowdle and LeMaistre for today, and to Mr. Fite indefinitely.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the

Journal of the House for the Thirty-second Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the 32nd Legislative Day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

H. 588. To amend sections 1313 of the Code of 1907.

Also:

H. 172. To require sheriffs and clerks of courts of record to prorate costs as collected in proportion, as each is entitled.

Also:

H. 296. To provide for the establishment of titles to real estate by a proceeding in rem.

Also:

H. 140. To amend section 3793 of the Code of Alabama of 1907, and to amend an Act of the Legislature of Alabama approved September 30th, 1919, entitled an Act to amend an Act of the Legislature of Alabama, entitled an Act to amend section 3795 of the Code of Alabama of 1907.

Also:

H. 343. To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this Act shall be null and void.

Also:

H. 396. To authorize the appointment of guardians to all persons entitled to the benefits of the Act of Congress, of the United States, known as the War Risk Insurance Act: to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

Also:

H. 482. To amend section 5222 of the Code.

Also:

H. 334. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to pro-

vide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of

education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the main-

tenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Also:

H. 414. To provide and require the payment in cash only of fines and forfeitures accruing or becoming due to Dale county, Alabama, or to the State of Alabama, for the use of Dale county.

Also:

H. 539. To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

Also:

H. 554. To repeal an Act entitled "An Act to prohibit the assessing or collecting of any privilege or license tax or fee, by municipalities, from persons for conducting or operating any business, trade or profession outside the corporate limits of such municipalities," approved September 29th, 1919.

Also:

H. 573. To legalize and permit the issuance of free passes by railroad companies and public carriers to sheriffs.

Lee Glenn,
Chairman.

The report of the committee was concurred in and adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 221. To authorize and empower county boards of education and city boards of education to appropriate and use any district three mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund

money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Jones of Barbour:

S. 309. To authorize and provide for the establishment and operation of a printing plant by the Convict Department and for the employment of convicts therein.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee, as follows:

Penitentiary and Criminal Administration, S. 309.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill, and returns same herewith to the House:

H. 365. To authorize and empower the circuit solicitor in all counties in the State of Alabama having five or more circuit judges, or which counties may hereafter have five or more circuit judges, and which circuits is confined to one county and in such county there is a division of the circuit court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a deputy circuit solicitor, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensa-

tion, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

J. E. Speight,
Secretary.

SENATE MESSAGE.

On motion of Mr. Lewis Bowen the House concurred in and adopted the Senate amendment to the bill, H. 365, said Senate amendment being as follows:

Senate Committee Substitute for H. 365:

A BILL

To be entitled an Act to authorize and empower the circuit solicitor in all counties in the State of Alabama having five or more circuit judges, or which counties may hereafter have five or more circuit judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and all assistants or assistance necessary to properly administer justice in such counties and fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the circuit court held at some place in such county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, to authorize such deputy circuit solicitor to employ or appoint one officer, who shall be under the supervision and control of said deputy circuit solicitor, and to fix the compensation of such officer and the manner of paying the same.

Be it enacted by the Legislature of Alabama:

Section 1. That the circuit solicitor of all counties having five or more circuit judges, or which may hereafter have five or more circuit judges, shall have the power and is hereby given the authority to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and fix the compensation of such reporter, stenographer or stenographers, or other assistants, and such compensation shall be payable out of the general fund of said county upon warrants drawn upon the treasurer by the circuit solicitor in favor of such reporter, stenographer, stenographers, or other assistants, as hereinafter provided.

Section 2. That the circuit solicitor shall have the power and he is hereby given the authority to employ any assistants

or assistance and to incur any expense he may deem necessary to properly administer justice, and such expense shall be paid out of the solicitor's fund of such county, provided there is a sufficient amount in said fund to pay said compensation or expenses at the time the same is due under the provisions of this Act; provided further, if there is not sufficient amount in said solicitor's fund to pay such compensation or expenses at said time, the treasurer is hereby authorized and required to pay said amounts out of the general fund of said county, when authorized by the board of revenue, on the warrant drawn by the circuit solicitor, provided that the amount so expended or drawn out of the general fund of said county shall not exceed the sum of seven thousand, five hundred dollars in any one year.

Section 3. That where there is a division of such circuit court which is held at a place other than the county site in such counties having five or more circuit judges or which counties may hereafter have five or more circuit judges, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, he, the said deputy circuit solicitor, shall have the power and is hereby given the authority to employ one officer who shall have during his term of office the same power and authority as a deputy sheriff, and who shall be appointed by such deputy circuit solicitor and shall hold office at the will and pleasure of such deputy circuit solicitor. Such officer shall be under the supervision, direction and control of said deputy circuit solicitor and shall be paid a salary, to be fixed by said deputy circuit solicitor not to exceed \$2,400.00 per annum, and payable monthly out of the general fund of said county on the warrant of said deputy circuit solicitor in favor of said officer.

Section 4. That if any paragraph, section, clause or provision of this Act shall be declared or held to be invalid or unconstitutional, the same shall not affect or render invalid any other paragraph, section, clause or provision which is not within itself unconstitutional or invalid.

Section 5. That this Act shall become effective upon its passage.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Burns	Dickinson	Glenn
Adams	Burton	Dunwoody	Glover
Adcock	Byars	Elliott	Goode
Bealle	Calloway	Embry	Goodwyn
Blackwell	Cato	Fanning	Graves
Bowen, Lewis	Cook	Ferrell	Grove
Bowen, L. K.	Culver	Forman	Guy
Boykin	Deloney	Gaines	Hall

Hodgson	Love	Pickens	Varner
Holcombe	Luck	Poole	Verner
Hornsby	McDaniel	Posey	Walker
Howze	McGowen	Powell	Wall
Hubbard	Melton	Ringer	Walton
Jeter	Mooneyham	Rountree	Ware
Jones	Moorer	Rutherford	Wyatt
Kilborn	Moxley	Sollie	Young
Lee			

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RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 110. Relative to the Auditor's Annual Report and to including therein an itemized statement of expenses incurred by the several State departments.

Resolved, by the House, the Senate concurring, That the State Auditor is directed to include in his annual report an itemized statement of all warrants drawn by him in favor of all officers and employees of the several departments of the State government so as to indicate the purpose for which the said warrants were drawn.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Culver:

H. J. R. 111. Resolved by the House, the Senate concurring, That when we adjourn today we adjourn to convene Tuesday, Aug. 21st, at 2 P. M.

And the rules were suspended and the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Nichols:

H. 689. For the prevention of the pollution of the waters in the State of Alabama in such manner and to such extent as shall injure or destroy the lives of fish which may inhabit such waters.
Game, Fish and Forestry Preservation.

By Mr. Deloney:

H. 690. To provide further for the election of the members of courts of county commissioners, boards of revenue or members of other governing body of the county.

Revision of Laws.

By Mr. Moxley (with notice and proof):

H. 691. To amend section 8 of an Act entitled "An Act to create the office of county solicitor for Crenshaw county, Alabama, to prescribe his qualifications and duties; to provide for his election by the qualified electors of the county; to provide for

the filling of vacancies in said office; to fix his salary and prescribe the length of term of his office and to repeal conflicting laws.

Local Legislation.

Notice and proof H. 691:

NOTICE.

To those it concerns: Notice is hereby given that a bill will be introduced before the Legislature of Alabama which convened within the month of July, 1923, for the purpose of amending section 8 of an Act entitled "An Act to create the office of county solicitor for Crenshaw county; to prescribe for his qualifications by the qualified electors of the county; to provide for the filling of vacancies of his office, to fix his salary and prescribe the length of term of his office," approved September 26, 1919, so as to read in substance as follows:

Section 8. The compensation of the county solicitor of Crenshaw county, shall be the sum of seven hundred and fifty dollars per annum collected out of the fees earned by him in said county court during each year not to exceed seven hundred and fifty dollars per annum; the remainder of such fees shall be paid into the county treasury of Crenshaw county to the credit of the general fund.

Very respectfully,
J. B. Moxley.

State of Alabama, }
Crenshaw County. }

Before me, a Notary Public in and for the said county and State, personally appeared J. C. McLendon, editor of the Luverne Journal, a weekly newspaper published at Luverne, Alabama, Crenshaw county, who being duly sworn said that the attached notice of bill was for four consecutive issues from July 19, July 26, August 2 and August 9th, 1923.

J. C. McLendon,
Editor.

Sworn and subscribed to this 14th day of August, 1923.

Wilkie Pope,
Notary Public.

By Mr. Culver:

H. 692. To encourage the building or construction of additional industrial plants in this State, by conferring power and authority upon the court of county commissioners, or other court having like jurisdiction, in any county in this State, to exempt from ad valorem county taxation, and upon municipal officers of any city or town of this State, invested with legislative powers in respect to other matters, power and authority, to exempt from ad valorem city taxes, the buildings or constructions of industrial plants, hereafter built or constructed, and also the shares of capital stock held by stockholders in corporations engaging in such building or construction; to the extent in value of such buildings or constructions; for a period of five years from the date of the beginning of such construction.

Mining and Manufacturing.

By Mr. Glover (with notice and proof):

H. 693. Authorizing the court of county commissioners of Henry county, Alabama, to issue interest-bearing warrants of

said county against the general fund thereof, in refund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the road and bridge fund of said county, and provide for payment of such refunding warrants.

Local Legislation.

Notice and proof H. 693:

PROOF OF NOTICE OF PUBLICATION OF ATTACHED LOCAL ACT.

State of Alabama, }
Henry County. }

Before me, H. W. Owens, Probate Judge in and for said county in said State, personally appeared the undersigned H. H. Golson, who on oath duly administered, deposes and says as follows:

That he is proprietor and publisher of the Abbeville Herald, a newspaper published weekly in the town of Abbeville in said county;

That the attached bill to be entitled an Act, the caption of which being, to-wit:

"Authorizing the court of county commissioners of Henry county, Alabama, to issue interest bearing warrants of said county against the general fund thereof, in refund of all or any portion of the outstanding warrants against said fund, the highway fund and the non-interest bearing warrants of the road and bridge fund of said county, and provide for payment of such refunding warrants,"

for introduction in and passage by the 1923 Legislature of said State, as a local measure or Act, was duly published in said newspaper of four consecutive weekly issues thereof, on dates, viz., June 14th, 1923, June 21st, 1923, June 28th, 1923 and July 5th, 1923.

H. H. Golson.

Sworn and subscribed to before me, at Abbeville in said county and State, this the 25th day of July, 1923.

H. W. Owens,
Probate Judge.

By Mr. Howze (by request):

H. 694. To regulate and control the making or signing and approving criminal bail bonds and to prohibit attorneys from becoming surety for their clients in counties of the State of Alabama having a population of 150,000 or more according to the last or any subsequent Federal census and fixing punishment and penalties.

Judiciary.

By Mr. Jeter:

H. 695. To provide for preference in civil service examinations for ex-service men in all cities of the State of Alabama having a population of 150,000 or more according to the last or any subsequent Federal census.

Military.

By Mr. Ashcraft of Lauderdale:

H. 696. To amend sections 2, 19, 20, 21 and 49 of an Act of the Legislature of Alabama approved October 1, 1920, entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively pro-

vide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees, by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this Act."

Judiciary.

By Mr. Ashcraft of Lauderdale:

H. 697. To amend section 2 of an Act approved November 23, 1907, which is entitled "An Act to amend sections 5, 29, 35, 41 and 52 of an Act of the Legislature of Alabama entitled 'An Act to create a railroad commission to be known as the railroad commission of Alabama, define its duties and powers and provide for its mode of procedure and to prescribe penalties for the violation of its orders,' approved February 23, 1907."

Judiciary.

By Mr. Deloney:

H. 698. To authorize courts of county commissioners or courts of like jurisdiction of the several counties of the State of Alabama, to contract for and take over by lease or otherwise the operation of bridges over streams, and to maintain the same as public highways; to expend county funds to carry out such contracts and for the maintenance of such bridges; to incur liabilities accruing to such counties or the owners or lessors of such bridges on account of accidents or injuries that may arise from the operation of such bridges; to contract with other courts of county commissioners in adjoining counties for the joint taking over and operation of bridges; to lease and maintain bridges over streams lying partly or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any court of county commissioners or court of like jurisdiction for the leasing, maintenance and operation of bridges, and to ratify and confirm all payments heretofore made on account of pre-existing contracts or operations.

Public Roads and Highways.

By Mr. Hornsby:

H. 699. To regulate the use of dams on the water streams of the State.

Rivers and Harbors.

By Mr. Byars (by request):

H. 700. A bill to be entitled an Act to propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence county, Alabama, to levy and collect for school

purposes a tax of five mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit:

Town Creek School District No. 59, Landersville School District No. 23 and Moulton School District No. 28 in Lawrence county, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such district, a tax of not over five mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted, as now provided by law for calling, holding and conducting of elections to determine whether or not a three mill district school tax shall be levied and collected.

Sec. 2. This amendment shall be submitted to the qualified voters of the State at the general election held in the year 1924.

The above and foregoing bill was read one time at length and referred to the Standing Committee on Education.

By Mr. Wall (with notice and proof):

H. 701. To provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

Local Legislation.

Notice and proof H. 701:

NOTICE.

Notice is hereby given by the undersigned, George Duncan, Senator of the First District of Alabama, and Young Wall, Representative of Limestone county, Alabama, of their intention to apply to the Legislature of Alabama, which reconvenes in general session on the tenth day of July, 1923, for the passage and enactment of a bill to provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of the same into effect; to provide for the appointment of a county engineer, and to fix his duties and requirements, and which law is substantially as follows:

A BILL

To be entitled "An Act" to provide for the better building, maintenance and protection of the public roads and bridges and ferries of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a county engineer and to fix his duties.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners of Limestone county shall within thirty days after the approval of this Act, elect a county engineer, who shall be the superintendent of the public roads of said county.

He shall be provided with a properly furnished office in the county court house, or elsewhere in the county seat, and shall hold his office for four years, unless sooner removed from office for neglect of duty or incompetency. The four years above mentioned shall not be construed to be a fixed term. The said county engineer shall have charge of the location, construction, improvement and maintenance of the public roads, bridges and ferries of the county, subject to the general direction of the court of county commissioners; he shall be the custodian of the records of the county concerning roads and bridges, except as herein provided; he shall select all of his subordinate employees, subject to approval of the county commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed except by a specific resolution of the court of county commissioners duly entered on the minutes. The county engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the court of county commissioners, provided that he may, with the consent of the county commissioners, do surveying or engineering work for private parties for which services he shall charge such fees as the court of county commissioners shall direct and shall pay such fees into the county road and bridge fund. The salary of the county engineer shall be fixed by the court of county commissioners, provided that the salary shall not be less than \$1,800.00 per annum, payable monthly. Said engineer before taking office shall furnish the county with surety bond in the sum of five thousand (\$5,000.00) dollars.

Section 2. That no person shall be eligible to hold the office of county engineer unless he is a competent civil engineer and experienced in the construction of roads.

Section 3. That before any work is done in the construction or improvement of any road or bridge, except necessary maintenance work, the engineer shall make such surveys as may be necessary, shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimate of cost for the approval of the court of county commissioners with a recommendation as to the best method of doing the work. The court of county commissioners shall pass upon said plans, specifications, estimates, and when said plans and specifications are approved, the county engineer shall be authorized to proceed with the work by contract or by force account as the court of county commissioners shall direct. If the court of county commissioners determine to do such work by contract, the county engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama, and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check required, and the time and place at which bids will be opened. The court of county commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder, provided that the court of county commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Section 4. The court of county commissioners may enter into a contract with a contractor for the construction, repair or maintenance of any road, bridge or ferry, or any appurtenance thereto provided that all contracts for construction work be let under the preceding provisions of this Act.

Section 5. That any contractor employed to construct or maintain any road, bridge, ferry, or any appurtenance thereto shall before entering upon the execution of such work execute a bond payable to the county of Limestone for twice the amount of the contract price; said bond to be made by a surety company approved by the court of county commissioners and condi-

tioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Section 6. That if the county, any municipality, corporation or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond to recover such damages as they may have suffered.

Section 7. That the court of county commissioners shall have authority to purchase such materials, supplies, teams, and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The county engineer shall prepare requisitions for such materials and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on each class of article required, and shall submit said requisition to the court of county commissioners. When such requisition is approved by the court of county commissioners, the county engineer shall be authorized to purchase such approved articles at prices not exceeding those specified in the requisition. The county engineer with the approval of the court of county commissioners shall be authorized to employ such assistant engineers, inspectors, rodmen, foremen, overseers, laborers, artizans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the public roads and bridges of the county. The county engineer shall employ a sufficient number of persons to systematically drag each public dirt road in the county, as directed by the county engineer and the court of county commissioners; shall fix the price for dragging, so as to allow reasonable wages for the men and teams performing such service.

Section 8. That the county engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant on the county treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the county engineer shall be payable it shall have been previously authorized and approved by the court of county commissioners and shall be presented, with its corresponding original bill, to the chairman of the court of county commissioners, who shall countersign said warrant, stamp same approved by the court of county commissioners and file the original bill in his office. This file and that in the county engineer's office shall be preserved as public records and they shall be delivered by the county engineer and the chairman of the court of county commissioners to their respective successors in office. The warrants issued by the county engineer in accordance with the provisions of this Act, when countersigned by the chairman of and stamped approved by the court of county commissioners shall be paid by the county treasurer and charged to the county road and bridge fund.

Section 9. That the court of county commissioners, if they deem it advisable, may call upon the State highway engineer for advice upon any question connected with their road work, and such advice shall be furnished free of charge and the said court of county commissioners shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary, and when a bridge of unusual size or type of construction is to be built the court of county commissioners are authorized to employ a special engineer to design and supervise its construction.

Section 10. The county engineer shall prepare a map of the county showing the location of all public roads and indicating the character of improvements which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be

made and deposited for safe keeping in the vault of the probate office, and such tracing shall be brought up to date monthly.

Section 11. That the court of county commissioners shall, with the advice of the county engineer, classify all the public roads of the county into classes designated as first class, second class and third class roads. The lawful widths of rights of way of the several classes of roads shall be as follows: First class roads, 50 feet; second class roads, 40 feet; third class roads, 30 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the court of county commissioners in view of the requirements of traffic on each road; and the court of county commissioners may change the classification of any road or any specified part of a road at any time.

Section 12. That when a new road is to be constructed or the location of an existing road to be changed, the court of county commissioners shall pass a resolution directing the county engineer to make a preliminary survey for said road, describing the terminal points of the said survey and appointing a time at which the court of county commissioners will meet to hear objections to location of said road or its classification. As soon as practicable after the passage of such resolution, the county engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within 200 feet of said road, and any other improvements which may affect the amount of damages which may be caused to property by the construction of said road. It shall be the duty of the engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection, and giving the time when the court of county commissioners will meet to hear objections to the location of said road or its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the court house, and by posting one copy at each terminal point of the survey. The court of county commissioners shall meet at the court house at the time named in the said notice and after hearing objections to the location of said road or its classification, the said court of county commissioners may confirm said location, order it amended or abandoned, and said action shall be shown on its minutes.

Section 13. That the court of county commissioners may secure the right of way for roads by donations, purchase or by condemnation.

Section 14. That the court of county commissioners shall have the right, authority and power to condemn land for road purposes under the provisions of article 1, chapter 79 of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of land.

Section 15. That the convicts of the county may be worked upon the public roads, bridges or ferries of the county or they may be worked under the direction of the court of county commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or said convicts may be hired to or from another county or from the State, or to contractors under contracts to be made between such contractors and the court of county commissioners or other county or the State.

Section 16. The convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Section 17. That the court of county commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the

gang between the several counties shall be arranged. The several counties entering into such agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Section 18. The court of county commissioners of Limestone county shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one percentum on the assessed value of such taxable property. Such tax shall be levied and collected for the purposes of paying any debt or liability now existing or that may hereafter be created, for the erection, construction or maintenance of necessary public buildings, bridges or roads, and such tax shall be levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purposes for which the same is so levied and collected.

Section 19. That all money received by the county from license taxes on automobiles, and all gasoline excise tax, shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Section 20. That all male inhabitants of the county not under 21 and over 45 years of age except those exempted under the general laws shall be required to work on the public roads of the county during each year for 5 days of 8 hours each; provided that he may pay in lieu of such personal service the sum of five dollars per year to be paid to the judge of probate, the time of payment to be prescribed by the court of county commissioners, said money to go into the county road and bridge fund and shall be used only for the construction and maintenance of roads and bridges.

Section 21. No person or hand is liable to work on any public road at a point on said road more than 6 miles from his residence, provided within this limit he may be required to work in any beat or precinct.

Section 22. That for the purpose of maintaining the public roads the court of county commissioners may from time to time divide the county into a convenient number of road precincts and require the county engineer to appoint one or more overseers or apportioners for each precinct. The term of office of said overseers or apportioners shall be one year; but such overseers or apportioners, or any one of them, may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer or apportioner the county engineer shall appoint some person to fill out the unexpired term, or, may act under the general law in lieu of this section.

Section 23. That all male inhabitants of the county between the ages of 21 and 50 years are subject to road duty under this Act as overseers.

Section 24. Any apportioner, engineer, road hand, or other person who fails to perform any duty required of him by this Act, or by the general laws of the State not in conflict with this Act, shall be guilty of a misdemeanor and on conviction must be fined not less than ten nor more than one hundred dollars.

Section 25. A county road and bridge fund is hereby created for Limestone county, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Section 26. That it shall be the duty of the court of county commissioners of Limestone county to have this Act, and all rules and regulations regarding public roads, bridges, and ferries, promulgated by said court, printed in pamphlet form for use of said court and other courts of the county and for the officers herein named.

Section 27. If in the event a board of revenue or other like governing body is created for Limestone county, in lieu of the court of county commissioners, such board of revenue or like governing body shall have all of the authority under this Act as is conferred on the court of county commissioners, and in such event, where such a term as "court of county commissioners," or similar term, occurs in this Act, the term "board of revenue," as the case may be, shall be substituted in lieu thereof.

Section 28. The county engineer shall be the custodian of all road tools and machinery of Limestone county, and it shall be his duty to keep the same in a substantial warehouse, except when such tools or machinery are being used on the roads for road work. To this end, the county engineer is given all incidental powers necessary to carrying this section into effect.

Section 29. The county engineer shall be accountable at all times for each and all of the tools and machinery belonging to Limestone county, and for his failure to do so, he shall be guilty of a misdemeanor, and on conviction must be fined not less than \$10.00 or more than \$500.00.

Section 30. That within one year after the approval of this Act the court of county commissioners shall cause to be erected at the intersection and crossing points of all roads, substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Section 31. That this Act and the general laws of the State of Alabama not in conflict with this Act, shall constitute the law for Limestone county on the subject of public roads, bridges, and ferries, and the court of county commissioners of said county is hereby vested with all the authority in reference to roads and bridges and ferries as now or may hereafter be conferred by the general laws of the State of Alabama, not in conflict with this Act.

Section 32. It shall be the duty of the county engineer to make a semi-annual publication during the first week in January and July of each year, in each newspaper published in the county, of an itemized report, showing the receipts and expenditures of money for the road and bridge purposes of Limestone county, specifying particularly the sources from which received, and the purpose for which expended.

Section 33. It shall be the duty of the court of county commissioners to make a budget of all the road funds, stating specifically how such funds are to be expended, setting out definitely the amount to be expended on the roads in each of the several beats of the county, and shall publish the same in each newspaper in the county during the fourth week in June of each year and set a day not later than the first Saturday in July of each year to hear objections and remonstrances to the same.

Section 34. If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not of itself unconstitutional.

Section 35. That all local laws and parts of local laws, heretofore enacted, in regard to public roads, bridges and ferries in Limestone county, however remotely they may relate thereto, are hereby expressly repealed, and all general laws and parts of general laws not in conflict with this Act shall remain in full force and effect, and all general laws and parts of general laws in conflict with this Act are hereby expressly repealed.

Section 36. That this Act shall go into effect immediately upon its passage and approval by the Governor.

Young Wall,
Representative from Limestone County.
George Duncan,
Representative in the Senate from First District.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Fred Wall, a Notary Public in and for said county and State, R. H. Walker, who, being by me duly sworn, deposes and says that he is the owner and manager of the Limestone Democrat, a weekly newspaper published at Athens, Alabama, in said county; that notice given by Geo. Duncan, Senator for the First District and Young Wall, Representative from Limestone county, Alabama, of the intention to apply to the Legislature of Alabama, convening July 10, 1923, for the passage and

enactment of a bill, a true and correct copy of which is hereto attached, and which was published in said paper for four consecutive weeks, commencing on the 12th day of July, 1923; that said publication was authorized by the said Geo. Duncan and Young Wall, and published without cost to the State of Alabama. That said attached Act with the intention to apply to the Legislature for the passage of the same was published for four weeks, consecutively, as set out above, a true copy of which paper is hereto attached.

R. H. Walker.

Sworn to and subscribed before me on this the 14th day of August, 1923.

Fred Wall,

Notary Public.

(Seal)

By Mr. Verner (by request):

H. 702. To determine the number of children retarded in mental development in the several counties and cities of the State and to provide for their instruction.

Education.

By Mr. Verner:

H. 703. To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

Judiciary.

By Mr. Henson:

H. 704. Relative to pardons and paroles.

Revision of Laws.

By Mr. Cook (with notice and proof):

H. 705. To provide for the election of a county superintendent of education for Wilcox county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor in office.

Local Legislation.

Notice and proof H. 705:

NOTICE OF LOCAL LAW.

Notice is hereby given that application will be made to the Legislature of Alabama to pass a local law for Wilcox county, in substance as follows:

A BILL

To be entitled An Act to provide for the election of county superintendent of education of Wilcox county, Alabama, by the qualified electors of said county, and prescribe his duties and qualifications, and to fix his salary.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be elected at the general election in the State of Alabama in 1924, and every two years thereafter, a county superintendent of education for Wilcox county, Alabama, by the qualified electors of said county, and who shall hold office for a term of two years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified and who shall at the time of his election be a qualified elector of said county and who shall have had at least three years experience in teaching school in the State of Alabama, and

shall hold at least a second grade certificate to teach school in said State, and who shall perform the same duties as are now, or hereafter may be required by law of county superintendents of education in said State.

Section 2. That within fifteen days after the declaration of the result of the election by the board of canvassers of said county, said county superintendent of education shall qualify by taking the oath of office required by the Constitution of said State, and shall give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in the State of Alabama, to be approved by the judge of probate of said county, and shall be filed and recorded in said probate office, and shall be conditioned upon the faithful performance of the duties of the office, and for the accounting and paying over to the proper authority of all monies coming into his hands by virtue of his office. A copy of said bond, duly certified by the judge of probate, shall be filed in the office of the State Board of Education.

Section 3. That said county superintendent of education shall receive a salary of eighteen hundred dollars per year payable as now required by law for the payment of salaries of county superintendents of education in said State.

Section 4. That said county superintendent of education, in addition to the duties hereinabove prescribed, shall also be ex-officio school attendance officer of said county, and shall perform the duties of school attendance officer.

Section 5. That within twenty days after the approval of this Act the county board of education of said county by a majority vote elect a county superintendent of education of said county, who shall hold office until the general election in 1924 or until his successor is elected and qualified, and who shall perform the same duties and receive the same salary and possess the same qualifications as hereinabove provided.

Section 6. That all laws and parts of laws, general and local, in conflict with any of the provisions of this Act, are hereby repealed and abolished in so far as the same relates to Wilcox county.

PROOF OF PUBLICATION.

The State of Alabama, }
Wilcox County. }

Personally came before me, Carl M. Watts, a Notary Public in said county and State, J. C. Andrews, who being by me first duly sworn, states on oath that he is printer of Wilcox Progressive Era, a newspaper published in Camden, in said county and State, and that the publication of the notice, a copy of which is hereto attached, has been in said paper four times as follows: Beginning with Vol. 35, No. 29, on the 19th day of July, 1923; ending with Vol. 35, No. 32, on the 9th day of August, 1923.

Sworn to and subscribed before me, this the 9th day of August, 1923.

J. C. Andrews.
Carl M. Watts,
Notary Public.

By Mr. Calloway:

H. 706. To provide that the court of county commissioners or board of revenue, or courts of like jurisdiction may accept a money compensation, to be fixed by them, not to exceed five dollars per capita per annum from those liable for road duty in lieu of the labor required by law upon public roads; to prescribe the time for the payment of same; the manner in which receipts for such money compensation shall be issued, and to make it unlawful for any person to receive such money compensation and fail

within ten days after the receipt of the same to pay the same to the county.

Revision of Laws.

By Mr. Merrill (with notice and proof):

H. 707. For the relief of A. H. Shepperd, register of the circuit court of Calhoun county, to pay him the sum of \$305.85 due him by the State of Alabama, for services rendered by him as such register in the case of the State of Alabama against Alabama Land & Mineral Co., et al., in the circuit court of said county.

Ways, Means and Appropriations.

Notice and proof H. 707:

EXHIBIT A.

NOTICE OF LOCAL BILL.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to pay the register of the circuit court of Calhoun county, the sum of \$305.85 cost bill due to him in the case of the State of Alabama versus the Alabama Land and Mineral Company, et al., in the circuit court of Calhoun county, Alabama.

This the 9th day of July, 1923.

A. H. Shepperd.

The State of Alabama, }
Calhoun County. }

Personally appeared before the undersigned authority, Harry M. Ayers, publisher of the Anniston Star, a newspaper published in Anniston, Calhoun county, Alabama, who makes oath and says that the notice hereto attached, marked as Exhibit A, was published in the said Anniston Star, once a week for four weeks, to-wit: on the 9th day of July, the 16th day of July, the 23rd day of July and the 30th day of July, 1923.

Harry M. Ayers.

Subscribed and sworn to before me on this 14th day of August, 1923.

Clara B. Wright,
Notary Public.

(Seal)

By Mr. Jones:

H. 708. To revise and amend chapter 219 of the Code of 1907.
Game, Fish and Forestry Preservation.

By Mr. Henley:

H. 709. To better provide for the revenue of the State.

Ways, Means and Appropriations.

By Mr. Sollie:

H. 710. To prohibit any person, firm or corporation from operating certain entertainments or amusements on Sunday where an admission fee is charged or received, or where any contribution or donation is accepted for admittance to such entertainment or amusement, to provide penalties and punishments for violation thereof, and to repeal all laws, general, local, special, or municipal in conflict with the provisions hereof, and to fix the time when this Act shall become effective.

Revision of Laws.

BILLS ON SECOND READING.

Mr. Rountree, chairman of the Standing Committee on Banking and Insurance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 244. To repeal sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 582. To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and probate judges hereunder; and to provide penalties for violation of the provisions hereof.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

S. 172 (with substitute). To amend an Act approved October 31, 1921, entitled an Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Mr. Adcock, chairman of the Standing Committee on Pension and Soldiers Home, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 592. To provide for pensions for widows of soldiers and sailors in the army and navy of the Confederate States of America, and for the regulation of the payment thereof.

H. 284. To amend an Act of the Legislature of Alabama approved August 12th, 1915 entitled "An Act to amend section 2044 of the Code of 1907 of Alabama."

Mr. Graves, chairman of the Standing Committee on Claims and Fees, reported that said committee in session had acted on

the following bill and ordered same returned to the House with a favorable report with amendment:

H. 594 (with amendment). To provide compensation for the sheriffs of the several counties of the State of Alabama for the capture and destruction of illicit distilleries.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Embry, chairman of the Standing Committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

By Mr. Embry:

H. 400. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.

Mr. Sollie, chairman of the Standing Committee on Municipal Organization, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

By Mr. Sollie:

H. 647. To constitute the several municipal corporations in the State of Alabama the agents of said State, and to authorize, empower, and direct said municipal corporations to supervise, inspect and regulate, in the public interest, the construction, maintenance and operation of public utilities, and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses, and contracts; within the limits of their respective municipalities; and to provide for the apportionment and distribution of supervision and inspection fees paid by utilities to the State; and to provide for the enforcement of all measures regulating the construction, maintenance, operation, service, rules, regulations, practices, fares, rates, and charges; facilities, plants, franchises, licenses and contracts; financing and securities of public utilities within the corporate limits of the several municipalities.

RECOMMITTAL OF BILLS.

On motion of Mr. Verner, the bill:

H. 586. To confer jurisdiction upon justices of the peace to try offenses arising under orders or regulations of courts of county commissioners or other governing bodies of counties reg-

ulating the use of the public roads and the running of vehicles over the same.

Was re-committed to the Standing Committee on Public Roads and Highways.

On motion of Mr. L. K. Bowen, the bill:

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1,010.00, payable to him, issued by the board of revenue of Jefferson county, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

Was re-committed to the Standing Committee on Local Legislation.

REPORT OF RULES COMMITTEE.

Mr. Tunstall, acting chairman of the Standing Committee on Rules, returned to the House:

S. J. R. 116. Relative to the appointment of a joint committee for the investigation of the several departments of the State government and ascertain the number of employees now retained in each and also the number of employees necessary for the efficient and economical carrying on of each of said departments.

With a favorable report, and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following Senate joint resolution, and sends same herewith to the House:

By Rules Committee:

S. J. R. 122. Resolved by the Senate, the House concurring, That when the two houses adjourn today, they stand adjourned until Monday, August 20, 1923 at 2:00 P. M.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The S. J. R. 122 set out in the above and foregoing message from the Senate was referred to the Committee on Rules.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Lewis Bowen the bill, S. 218, was indefinitely postponed.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the concurrence in the Senate amendment to

the bill, H. 294, in reference to and to further provide for the general revenues of the State of Alabama.

On motion of Mr. Tunstall the House concurred in and adopted the amendment of the Senate to the bill, H. 294, in reference to and to further provide for the general revenue of the State of Alabama.

Yeas, 80; Nays, 13.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Kilborn	Ringer
Adams	Elliott	Kilpatrick	Rountree
Adcock	Embry	Lee	St. John
Arrington	Fanning	Letson	Sanders (Pike)
Ashcraft (Fayette)	Ferrell	Long	Smith (Clay)
Ashcraft (Lauderd ¹)	Forman	Love	Smith (Jefferson)
Bealle	Goodwyn	Luck	Smith (Lee)
Blackwell	Graves	McGowen	Stewart (Bibb)
Bowen, Lewis	Grove	Melton	Stewart (Calhoun)
Bowen, L. K.	Guy	Mooneyham	Tiller
Boykin	Hatter	Moorer	Tunstal
Burns	Henley	Moxley	Tyson
Calloway	Henson	Nichols	Varnier
Cato	Hodgson	Norman	Verner
Christian	Holcombe	Odom	Walker
Coleman	Hornsby	Parker	Wall
Cook	Howard	Patterson	Walton
Culver	Howze	Pickens	Williams
Deloney	Hubbard	Poole	Wyatt
Dickinson	Jones	Powell	Young

—80

Nays:

Messrs:

Burton	Glover	Posey	Thompson (Etowah)
Byars	Hampton	Sessions	Thompson (Jackson)
Gaines	Jeter	Snodgrass	Ware
Glenn			

—13

PAIRS ANNOUNCED.

The following pairs were announced:

Yea: McDaniel, Mrs. Wilkins. Nay: Hall, Sollie.

RECONSIDERATION.

Mr. Tunstall moved to reconsider the vote by which the House concurred in and adopted the Senate amendment to the bill, H. 294, and then moved to table the motion to reconsider and the motion to table prevailed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House:

By Mr. Duncan:

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

Also:

By Mr. Adams (with notice and proof):

S. 340. To authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the proposed local law as set out below will be introduced at the present session of the Legislature of Alabama:

AN ACT

To be entitled An Act to authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

Be it enacted by the Legislature of Alabama:

Section 1. That the town council of the town of Clanton, Alabama, be and they are hereby authorized and empowered to vacate, annul or narrow any street, avenue, alley or other public place in the said town of Clanton, Alabama, upon such terms, considerations, or conditions as such town council may deem proper.

Section 2. That in the event that said town council of the town of Clanton should vacate, annul or narrow any street, avenue, alley or other public place in the town of Clanton, Alabama, under the provisions of section 1 of this Act, said town council of the town of Clanton be and they are hereby authorized to convey that part of such street, avenue, alley or public place so annulled, vacated or narrowed, to the adjacent land owners upon such terms, consideration, or conditions as they may deem proper.

Section 3. That the ascertainment of any fact in connection with the vacating; annulling or narrowing of any street, avenue, alley, or other public place in the town of Clanton, Alabama, by the town council of said town, shall be conclusive.

Section 4. Should any court declare any section or subdivision of this Act as unconstitutional, it shall not affect the remaining sections or subdivisions, but the same shall remain in full force and effect.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and they are hereby repealed.

The State of Alabama, }
Chilton County. }

Personally appeared before me the undersigned authority in and for said county in said State, T. E. Wyatt, who having been by me first duly

sworn deposes and says on oath, as follows: That he is editor and co-publisher and proprietor of the Union-Banner, a newspaper published in Clanton, Chilton county, Alabama; that the said Union-Banner is a weekly newspaper; that the printed notice which is attached to and pasted to this affidavit has been duly published in and appeared in the regular issue of the said Union Banner, once each week, for four consecutive weeks, in the issues of June 28th, July 5th, 12th and 19th, all in 1923.

T. E. Wyatt.

Sworn to and subscribed before me this the 25th day of July, 1923.

J. B. Atkinson,
Notary Public.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Banking and Insurance, S. 225.

Local Legislation, S. 340.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the resolution:

H. J. R. 111. Relative to adjournment of the two houses until Tuesday, August 21st, at 2:00 P. M.

And returns same herewith to the House.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Jones of Conecuh:

S. 359. To establish in precinct nine in Covington county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LEGISLATION.

A bill will be introduced in its convening July 10, 1923, for the Legislature of Alabama on the purpose of establishing an inferior court for precinct No. nine (9) for Covington county, Alabama, in lieu of all justices of the peace, notaries public with the jurisdiction of justices of the peace, and justice courts, for such precinct; with jurisdiction and powers in such precinct in both criminal, quasi criminal, and civil causes, which are now or as may hereafter be conferred upon justices of the peace and justices courts

only; providing for officers for such court, fixing their compensation and providing therefor; fixing the terms of such court; providing for the procedure for such court as in county courts, and in justices courts, respectively; and providing for the disposition of fines, forfeitures, and fees in such court and causes in the same, and regulating the same.

State of Alabama, }
Covington County. }

Before me, John Bair, a Notary Public in and for said State and county, personally appeared J. L. Kimbro, who being sworn says on oath that he is editor and publisher of the Florala News, a weekly newspaper published at Florala, Covington county, Alabama, and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks, the first insertion being in issue dated July 19th, 1923, the second insertion being in issue dated July 26th, 1923, the third insertion being in issue dated August 2nd, 1923, and the fourth insertion being in issue dated August 9th, 1923.

J. L. Kimbro.

Sworn to and subscribed before me this 11th day of August, 1923.

John Bair,

(Seal)

Notary Public in and for said State and County.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 359.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and H. J. R. and returns same herewith to the House:

H. 339. To repeal an Act "Entitled an Act, to make township 17, range 16 in Autauga county, a separate school district, approved February 17th, 1865.

Also:

H. J. R. 82. Relative to endorsing the principles incorporated in the Dial amendment to the cotton futures Act.

J. E. Speight,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Overton:

S. 231. To validate and legalize elections heretofore held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to author-

ize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Education, S. 231.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 328. To amend Section 1 of Article 5, and Section 25 of Article 8 and Section 19 of Article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment, including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their

duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of

the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide

for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

J. E. Speight,
Secretary.

BILLS ON THIRD READING.

H. 620. To vacate the charter of the city of Albany, Alabama.

Was taken up.

Mr. Forman, by request, offered the following amendment:

Amend the Act entitled "An Act to vacate the charter of the city of Decatur, Alabama," by striking therefrom the following provision:

"This Act is to take effect upon the passage and approval of an Act to alter, extend, or re-arrange the boundaries of the city of Decatur, Alabama," and by adding to the remaining part of said Act the following:

This Act is not to take effect unless a majority of the qualified voters in each of the cities of Albany and Decatur voting at the election provided for in the Act entitled "An Act to alter, or re-arrange the boundaries of the city of Decatur, Alabama," vote in favor of the alteration or re-arrangement of the boundaries of Decatur, Alabama.

On motion of Mr. Patterson the amendment was laid upon the table.

And the bill:

H. 620. To vacate the charter of the city of Albany, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Howze	Pickens
Adams	Embry	Jeter	Poole
Adcock	Fanning	Jones	Posey
Allen	Ferrell	Kilborn	Powell
Bealle	Gaines	Kilpatrick	Ringer
Boykin	Glenn	Lee	St. John
Burns	Glover	Letson	Sollie
Burton	Goode	Long	Tiller
Byars	Graves	Love	Tyson
Cato	Grove	Luck	Varner
Christian	Guy	Melton	Walker
Coleman	Hall	Moorer	Wall
Cook	Hatter	Moxley	Walton
Culver	Hawkins	Odom	Ware
Deloney	Henley	Parker	Wyatt
Dickinson	Henson	Patterson	Young
Dunwoody			

H. 621. To alter or rearrange the boundaries of the city of Decatur, Alabama.

Was taken up. Mr. Forman, by request, offered the following amendment:

Amend an Act entitled "An Act to alter or re-arrange the boundaries of the city of Decatur, Alabama," by adding thereto the following:

The judge of probate of Morgan county, Alabama, shall within not less than twenty, nor more than forty days from and after the passage of this Act order an election to be held in the cities of Albany and Decatur, and at the regular voting places in said cities and naming all of the election officers, among whom shall be represented, as near as possible, advocates in favor of the alteration or re-arrangement of the boundaries of the city of Decatur, Alabama, as herein provided, and those opposed thereto, and who shall prepare and furnish said election officials with appropriate blank ballots equal to four times the number of votes cast at each voting place in each city at the preceding municipal election, and on which ballot shall be printed in plain and bold type the words "For alteration or re-arrangement of the boundaries of the city of Decatur, Alabama," and below this on said ballot "Against alteration or re-arrangement of the boundaries of the city of Decatur, Alabama." The judge of probate shall also furnish to said election officers all necessary poll lists and such blanks and materials as are provided for the holding of general elections. Said election shall be held and be governed by the same provisions, limitations, pains, and penalties as general elections and shall be governed by the same rules and the returns shall be made to the judge of probate of Morgan county, Alabama, as provided by law in general elections. The judge of probate shall give notice of said election by publication of a notice thereof for two consecutive weeks in the Albany-Decatur Daily, which is a newspaper published in Morgan county, Alabama.

Within five days after said election the election returns shall be canvassed at the court house of Morgan county, Alabama, by the judge of probate; the circuit court clerk, and the sheriff of said county, and the result thereof announced. If a majority of the votes cast at said election in either city be against the alteration or re-arrangement of the boundaries of the city of Decatur, Alabama, the judge of probate shall so declare and publish, and in which event this Act shall be of no force and effect, and the said boundaries of said cities and their corporate existence shall be and remain as it now is. If a majority of the votes cast in each city be for the alteration or re-arrangement of the boundaries of the city of Decatur, the judge of probate shall so declare and publish and in which event this Act shall become operative, and

the boundaries of the city of Decatur shall be the boundaries defined by this Act.

On motion of Mr. Patterson the amendment offered by Mr. Forman was laid upon the table.

And the bill:

H. 621. To alter or re-arrange the boundaries of the city of Decatur, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Goodwyn	Letson	Rountree
Adams	Graves	Long	Rutherford
Adcock	Grove	Love	St. John
Allen	Guy	Luck	Sessions
Bowen, Lewis	Hall	McGowen	Tiller
Bowen, L. K.	Hatter	Moorer	Tunstall
Burns	Henley	Moxley	Tyson
Burton	Henson	Nichols	Varnier
Dunwoody	Hornsby	Norman	Verner
Elliott	Howard	Parker	Walker
Embry	Howze	Patterson	Wall
Fanning	Hubbard	Pickens	Walton
Ferrell	Jeter	Poole	Ware
Gaines	Jones	Posey	Williams
Glenn	Kilborn	Powell	Wyatt
Glover	Lee	Ringer	Young
Goode			

—65

H. 622. To create a board of education for the enlarged territory of the city of Decatur, Alabama.

Was taken up. Mr. Forman, by request, offered the following amendment to the bill:

Amend an Act entitled "An Act to create a board of education for the enlarged territory of the city of Decatur, Alabama, by striking therefrom section one of said Act as it now reads, and by substituting therefor the following section:

Section One. The management and control of the public schools of the enlarged city of Decatur shall be vested in a board of education, which shall be composed of five members who shall serve without compensation, and who shall be qualified electors and residents of the enlarged city, and who shall not be members of the board of commissioners, and who shall not hold any other office, public, unless said office be connected with, or unless it is a part of the educational system of this State. The board of commissioners provided for in the Act entitled "An Act to provide a form of government for the city of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population, under six thousand to a city with a popu-

lation of six thousand or more," after the organization, or as soon thereafter as may be practicable, shall elect five members of the board of education and one of whom shall come from each ward created by said bill and who shall hold office until the first regular meeting of the governing board of said city in April, 1925. At the first regular meeting of said governing board of said city in April, 1925, the governing board of said city shall select five members of said board of education, one of whom shall come from each of the wards created by said bill and whose term of office shall be for one, two, three, four and five years. Annually thereafter, and at the first regular meeting of the governing board of said city in April of each year, or as soon thereafter is practical, the said board shall select a member of the board of education to succeed the member whose term has expired and the term of office of the member so elected shall be for five years. In the event of a vacancy in said membership, the same shall be filled by the governing board of said city under the general law in such cases made and prescribed. All property, real, personl, or mixed of whatever kind heretofore owned, held, or enjoyed by the board of education of the city of Decatur and the board of education of the city of Albany, Alabama, be and the same is hereby transferred to and the title thereto shall vest in the board of education provided for in this Act, and shall be held by said board in trust for the use of public schools of the enlarged city of Decatur.

Said board of education shall have and exercise all the powers and authority and perform all the duties and suffer all the pains and penalties as a board of education, provided for under an Act of the Legislature of the State of Alabama, which provides for a complete educational system for the State of Alabama, approved September 26th, 1919, and it shall exercise such other powers and authortiy and perform such other duties and suffer such other penalties as may hereinafter be provided by law.

Amend said Act by striking therefrom sections three, four, and five, and by adding the following:

Section Three. This Act is not to take effect unless a majority of the qualified voters in each of the cities of Albany and Decatur voting at the election provided for in the Act entitled "An Act to alter, or re-arrange the boundaries of the city of Decatur, Alabama," vote in favor of the alteration or rearrangement of the boundaries of Decatur, Alabama.

Section Four. The said board of education created by this Act shall assume and pay any and all liabilities, bonds, indebtedness, the interest thereon of every kind and character now owing by either the school board of the city of Decatur, or the school board of the city of Albany, which are dissolved by this Act, or for which said boards or either of them may be in any way lia-

ble; provided, that such liabilities, bonds, indebtedness, and the interest thereon shall only be a charge upon and against the revenues or other sources of income coming into the hands of said board of education.

On motion of Mr. Patterson the amendment offered by Mr. Forman was laid upon the table.

And the bill:

H. 622. To create a board of education for the enlarged territory of the city of Decatur, Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Elliott	Henson	Posey
Adams	Embry	Hodgson	Powell
Adcock	Fanning	Hornsby	Ringer
Allen	Ferrell	Howard	Rountree
Arrington	Gaines	Howze	Tiller
Ashcraft (Fayette)	Glenn	Jeter	Tunstall
Ashcraft (Lauderl'l)	Glover	Jones	Tyson
Bealle	Goode	Kilborn	Varnier
Boykin	Goodwyn	Kilpatrick	Verner
Burns	Graves	Lee	Walker
Burton	Grove	Letson	Wall
Byars	Guy	Moorer	Walton
Cato	Hall	Parker	Ware
Cook	Hampton	Patterson	Williams
Culver	Hatter	Pickens	Wyatt
Deloney	Henley	Poole	Young
Dunwoody			

—65

H. 623. To provide a form of government for the city of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

Was taken up. Mr. Forman, by request, offered the following amendment to the bill, H. 623:

Amend section eight of an Act entitled "An Act to provide a form of government for the city of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more," so that said section will read as follows:

Section Eight. Unless in the meantime the voters of the city of Decatur shall favorably vote at an election held for that purpose to operate under a regular commission form of government as provided by general law for cities of under 25,000 inhabitants, there shall be a regular election held in said city on the third

Monday in September, 1924, whereat there shall be elected the regular officers as now provided by law for cities having a population of six thousand or more; said officers shall assume the duties of their respective offices on the first Monday in October thereafter, and the government of the said city of Decatur shall then and thereafter be administered in all things as now provided by general law for cities having a population of six thousand or more, and the board of commissioners herein appointed shall stand abolished.

That said Act be further amended by adding thereto the following:

Section Fourteen. This Act is not to take effect unless a majority of the qualified voters in each of the cities of Albany and Decatur voting at the election provided for in the Act entitled "An Act to alter, or re-arrange the boundaries of the city of Decatur, Alabama," vote in favor of the alteration or re-arrangement of the boundaries of Decatur, Alabama.

On motion of Mr. Patterson the amendment offered by Mr. Forman was laid upon the table.

And the bill:

H. 623. To provide a form of government for the city of Decatur, Alabama, and to prescribe the powers and duties of a temporary board of commissioners, pending a change in the form of government from a city with a population under six thousand, to a city of a population of six thousand or more.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Long	St. John
Adams	Ferrell	Love	Smith (Clay)
Allen	Henley	Luck	Smith (Jefferson)
Boykin	Henson	McGowen	Smith (Lee)
Burns	Hodgson	Melton	Sollie
Burton	Holcombe	Moorer	Thompson (Browah)
Byars	Hornsby	Moxley	Thompson (Jackson)
Calloway	Howard	Nichols	Tiller
Cato	Howze	Norman	Tyson
Coleman	Hubbard	Odom	Varner
Cook	Jeter	Parker	Verner
Culver	Jones	Pickens	Walker
Deloney	Kilborn	Poole	Wall
Dickinson	Kilpatrick	Posey	Walton
Dunwoody	Lee	Powell	Ware
Elliott	Letson	Ringer	Williams
Embry			

—65

H. 624. Requiring the city of Decatur to assume all liabilities of every kind whatsoever outstanding against the city of Albany, and vesting in the city of Decatur all property of every kind whatsoever, owned by the city of Albany, and conferring upon

the city of Decatur the right to defend all actions against the city of Albany, and to prosecute all suits pending in the name of the city of Albany, and to carry out street improvements or other public improvements already begun by the city of Albany.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Glenn	Letson	Sanders (Pike)
Arrington	Glover	Love	Sessions
Ashcraft (Fayette)	Goodwyn	Luck	Smith (Clay)
Ashcraft (Lauderd ¹)	Graves	McGowen	Smith (Jefferson)
Bowen, Lewis	Grove	Melton	Smith (Lee)
Bowen, L. K.	Hampton	Mooneyham	Snodgrass
Christian	Hatter	Odom	Sollie
Coleman	Hawkins	Parker	Stewart (Bibb)
Cook	Hodgson	Patterson	Stewart (Calhoun)
Deloney	Holcombe	Pickens	Thompson (Etowah)
Dickinson	Howard	Powell	Thompson (Jackson)
Dunwoody	Howze	Ringer	Tiller
Elliott	Hubbard	Rountree	Tunstall
Embry	Kilborn	Rutherford	Williams
Fanning	Kilpatrick	St. John	Wyatt
Ferrell	Lee	Sanders (Conecuh)	Young
Gaines			

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On motion of Mr. Patterson, the bills, H. 620, 621, 622, 623 and 624 were ordered sent forthwith to the Senate without engrossment.

S. 236. To fix the salary of the deputy solicitor of Macon county at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Love	Smith (Lee)
Adams	Elliott	Luck	Snodgrass
Adcock	Embry	McGowen	Sollie
Allen	Fanning	Melton	Stewart (Calhoun)
Arrington	Ferrell	Mooneyham	Thompson (Etowah)
Bealle	Forman	Moorer	Thompson (Jackson)
Blackwell	Gaines	Pickens	Tunstall
Boykin	Glenn	Poole	Tyson
Burns	Glover	Powell	Varner
Burton	Goode	Ringer	Verner
Cato	Graves	Rountree	Walker
Christian	Grove	St. John	Walton
Coleman	Hampton	Sanders (Conecuh)	Ware
Cook	Hatter	Sanders (Pike)	Williams
Culver	Howze	Sessions	Wyatt
Deloney	Lee	Smith (Clay)	Young
Dickinson			

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ADJOURNMENT.

Under a joint resolution heretofore adopted, the House, on motion of Mr. Cook, adjourned until Tuesday, Aug. 21st, at 2 o'clock P. M.

THIRTY-FOURTH DAY.

House of Representatives,
Tuesday, Aug. 21st, 1923.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Barnes of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Mr. Speaker	Ferrell	Lee	Sanders (Pike)
Adams	Fite	LeMaistre	Sessions
Adcock	Forman	Letson	Smith (Clay)
Arrington	Gaines	Long	Smith (Jefferson)
Ashcraft (Fayette)	Glenn	Love	Smith (Lee)
Ashcraft (Lauderd'l)	Glover	Luck	Snodgrass
Bealle	Goode	McDaniel	Sollie
Blackwell	Goodwyn	McGowen	Stewart (Bibb)
Bowen, Lewis	Graves	Melton	Stewart (Calhoun)
Bowen, L. K.	Grove	Moorer	Thompson (Etowah)
Boykin	Guy	Moxley	Thompson (Jackson)
Burns	Hall	Norman	Tiller
Burton	Hampton	Odom	Tunstall
Byars	Hatter	Parker	Tyson
Calloway	Hawkins	Patterson	Varnier
Cato	Henley	Pickens	Verner
Coleman	Henson	Posey	Walker
Cook	Hodgson	Powell	Wall
Culver	Holcombe	Ringer	Walton
Deloney	Hornsby	Rives	Ware
Dickinson	Howze	Rountree	Mrs. Wilkins
Dowdle	Jeter	Rutherford	Williams
Dunwoody	Jones	St. John	Wyatt
Embry	Kilborn	Sanders (Conecuh)	Young
Fanning	Kilpatrick		

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A quorum was present.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Speaker:

Your Standing Committee on Revision of the Journal begs leave to report that said committee has carefully examined the

Journal of the House for the Thirty-third Legislative Day, and finds same correct.

O. W. Melton,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the 33rd Legislative Day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Mooneyham, Poole, Elliott, Nicholls and Howard for today.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Long:

H. J. R. 112. Whereas, three clerks that were authorized under the report of the joint committee raised under the provisions of S. J. R. 86 to investigate and report on the clerical employees of the Legislature have been at work since July 10th, 1923, and

Whereas, said report of the joint committee was not adopted by the House and Senate until the second day of August, 1923, and

Whereas, the said three clerks have not been paid for the services rendered by them from the 10th day of July, 1923, to and including the 1st day of August, 1923;

Now, therefore, be it resolved by the House, the Senate concurring, That said three clerks shall be paid for their services from the 10th day of July, 1923, to and including the 1st day of August, 1923, the same per diem as they are authorized by law to receive and that the proper certificate for payment for such services shall be given them by the officers of the House of Representatives.

The rules were suspended and the resolution was adopted.

By Mr. Williams:

H. R. 113. Resolved by the House of Representatives, That House bill 319 be and the same is hereby made a special order of business on 36th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Snodgrass:

H. R. 114. Resolved by the House of Representatives, That House bill 322, entitled an "Act to amend sections 7, 8, 13, 23, 28, 29, 36, 39, and 41 of an Act entitled an Act, to regulate and provide for the military forces of the State of Alabama and to promote its efficiency" be made a special, paramount, continuing order of business for the 36th Legislative Day immediately after report of standing committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Pickens:

H. R. 115. Be it resolved, That House bill 478 by Mr. Pickens to pay the town of Livingston for a school building and lot conveyed by said town of Livingston to the State of Alabama for the State Normal School located at Livingston and which has not been paid for, be made a special, paramount, continuing order for the Thirty-fifth Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Jeter:

H. R. 116. Whereas, the newspapermen assigned to duty in the House of Representatives are representing both in State and out state papers, and whereas, it is necessary for such newspapermen to use the telegraph service of both telegraph companies, now therefore be it resolved by the House of Representatives of Alabama, That the privileges of the floor of the House shall at all times be granted or extended to not more than two messenger boys, of each company, for the remainder of the general session, for both the convenience of the newspapermen and members of the House.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Gaines:

H. R. 117. Be it resolved, That House bill 604 to amend section 5534 of the Code of Alabama of 1907, be made a special order for 35th Legislative Day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Jeter:

H. R. 118. Be it resolved by the House of Representatives, That House bill 366 be made a special and paramount order for 12 o'clock the 35th Legislative Day, said title of which is to provide for the election of city boards of education in all cities of the State of Alabama having a population of 150,000 or more.

And the resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate standing committees as follows:
By Mr. Long:

H. 711. To regulate further tax exemptions in the State of Alabama.

Commerce and Common Carriers.

By Mr. Dickinson:

H. 712. To define and enlarge the jurisdiction of justices of the peace and notary public ex-officio justices of the peace, in

the precinct or beats in which the court house is located in all counties in the State of Alabama where the county courts have been abolished, and where no other court of like jurisdiction has been established.

Revision of Laws.

By Mr. Sessions (with notice and proof):

H. 713. To abolish the office of jury commissioners and the jury commission as now constituted in and for Coffee county, Alabama; and to impose on the county commissioners of Coffee county, Alabama the performance of all the duties and acts now required of the jury commissioners and the jury commission of said county, which duties are prescribed in the Act of the Legislature of Alabama, approved August 31, 1909; and to fix compensation of said county commissioners of said county for performance of such duties.

Local Legislation.

Notice and Proof, H. 713:

NOTICE OF LOCAL LAW.

Notice of local law to abolish the office of jury commission, in and for Coffee county, Alabama, and to impose on the county commissioners all of the duties now performed by the said jury commission of Coffee county, Alabama.

Notice is hereby given that at the next adjourned session of the Legislature of Alabama, a bill will be introduced for passage and enactment into law, providing in substance as follows:

To abolish the jury commission of Coffee county, Alabama, and to confer and impose upon, and to require the county commissioner of Coffee county, Alabama, to do and perform all the duties and other acts, which are now required to be performed by the jury commission of Coffee county, Alabama, under an Act of the Legislature of Alabama, approved August 31, 1909. And to provide that the said county commissioners when performing the duties which are now required by the jury commission, to receive the same pay per diem, as they receive for other of their duties, as such commissioners. And to repeal all laws in conflict with said Act.

H. M. Sessions,
Representative of Coffee County, Alabama.

State of Alabama, }
Coffee County. }

Before me, the undersigned authority in and for said county and State, this day personally appeared H. A. DuBose who, being first duly sworn to speak the truth, deposes and says: That he is editor of the People's Tribune, a newspaper published in Coffee county, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a notice of local law to abolish office of jury commissioner of Coffee county, was published in the People's Tribune, giving notice of said law for four weekly issues in successive order and beginning on June 28, 1923, and ending on July 19, 1923, inclusive.

H. A. DuBose,
Editor and Publisher.

Subscribed and sworn to before me this the 26th day of July, 1923.

J. C. Fleming,
Notary Public.

By Mr. Sessions (with notice and proof):

H. 714. To provide that the tax collector of Coffee county shall pay to the treasurer of the city board of education all district taxes for school purposes where the same is levied and collected in all towns in Coffee having 1,000 population according to last or any succeeding Federal census and whose council elects a city board of education, and to provide for paying out the same by such treasurer of the city board of education.

Local Legislation.

Notice and proof, H. 714:

NOTICE OF LOCAL LAW FOR COFFEE COUNTY.

Notice is hereby given that a local bill will be introduced for passage during the present session of the Legislature of Alabama, providing in substance that all district taxes collected in towns of Coffee county having one thousand population according to last or any succeeding Federal census and whose council elects a city board of education be paid by the tax collector to the treasurer of said city board of education, and that the tax collector make semi-monthly reports to said treasurer all of such collections; and providing further that said moneys shall be available for educational purposes in said districts and shall be paid out upon the order of the city board of education.

Given this the 10th day of July, 1923.

H. M. Sessions,
Representative.

State of Alabama,)
Coffee County. }

Before the undersigned, a Notary Public in and for said State and county, this day appeared J. H. Singleton, known to me to be the publisher of the Enterprise Ledger, a newspaper published at Enterprise, Ala., who states on oath that the attached notice was published four (4) consecutive issues in said newspaper of the dates of July 11, 18, 25 and August 1, 1923.

J. H. Singleton.

Sworn to and subscribed before me this 17th day of August, 1923.

C. H. Heath,
Notary Public.

(Seal)

By Mr. Cato (by request):

H. 715. To amend an Act entitled "An Act to provide for the disposition of money to which minors are entitled, approved August 25th, 1909.

Revision of Laws.

By Mr. Ashcraft of Fayette (with notice and proof):

H. 716. To provide a system for the construction and maintenance of public roads and bridges for the county of Fayette, Alabama. By creating a road commission in the several precincts of said county; by appointing overseers in the several precincts by said road commission; by requiring the members of said road commission to take the oath of office; by requiring the treasurer of said road commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or

pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the road commissioners and overseers to serve as such road commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the treasurer of the several road commissions; by directing how said commutation fee shall be expended by said road commission; by requiring the road commission in the several precincts to make reports to the county commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the county commissioners out of any special road funds; by providing the duties of county commissioners, road commissioners and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of road commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons and trucks on which a license tax is required to be paid from using said roads and bridges for a period of twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridges; by giving the county court and circuit court jurisdiction of all criminal violations of said Act; by giving the circuit court jurisdiction of civil suits for damages to said roads and bridges; by requiring the circuit judge to give this Act in charge to the grand jury; by providing that violations of this Act shall be commenced

in the county or circuit court; by making the sheriff, constables, State law enforcement officers and all road officials of said county to begin prosecution for violations of this Act; by authorizing the county commissioners to supplement the commutation fees in the several precincts of said county from any special road or bridge funds or the gasoline tax fund by paying said supplement to the road commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the road commission through one of its members of the several precincts to report all violations of this Act to the grand jury and to report the condition of said roads of their respective precincts to said grand jury and providing penalties for the violations of this Act.

Local Legislation.

Notice and proof, H. 716:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature the substance of which is as follows:

To provide a system for the construction and maintenance of public roads and bridges for the county of Fayette, Alabama.

By creating a road commission in the several precincts of said county; by appointing overseers in the several precincts by said road commission; by requiring the members of said road commission to take the oath of office; by requiring the treasurer of said road commission to give bond; by requiring all male citizens between the age of eighteen and forty-five years to work on the public roads and bridges eight days each year or pay a commutation fee in lieu of work of \$8.00 per annum; by requiring the road commissioners and overseers to serve as such road commissioners and overseers when within road age; by prescribing the method of securing exemption from road duty; by providing for the collection of said commutation fees by the treasurer of the several road commissions; by directing how said commutation fee shall be expended by said road commission; by requiring the road commission in the several precincts to make reports to the county commissioners as to how said commutation fees have been expended; by providing a method for warning hands to work on said roads and bridges; by providing a method for excusing defaulters from working said roads and bridges; by providing for the making and painting of mile posts and direction signs to be paid for by the county commissioners out of any special road funds; by providing the duties of county commissioners, road commissioners and overseers with reference to said roads and bridges; by providing for the keeping and repairing of road tools, machinery and implements belonging to said county to be used for working and maintaining said roads and bridges; by providing for the removal of road commissioners and overseers for neglect of duty, drunkenness or incompetency; by providing for the paying of a license tax on wagons and motor trucks used on said roads and bridges for commercial purposes and said license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by requiring automobiles, taxicabs or other motor vehicles transporting passengers for hire on said public roads and bridges to pay a license tax to be used in repairing the roads and bridges of said county used or contemplated being used by the party paying said license tax; by prohibiting wagons or trucks on which a license tax is required to be paid from using said roads and bridges for a period of

twelve and fifteen hours after each rain of sufficient quantity to stand in puddles in said roads for a period of thirty minutes after each rain; by requiring the owners of said wagons and trucks to immediately repair damages to said roads when used in a soggy or boggy condition; by requiring the owners of said wagons and trucks to immediately repair all damage done to the bridges on said roads; by making the owners of said wagons and trucks liable for damage done to the said bridges; by giving the county or any citizen thereof the right to enjoin said owners of said wagons and trucks from damaging or injuring said roads and bridge; by giving the county courts and circuit court jurisdiction of all criminal violations of said Act; by giving the circuit court jurisdiction of civil suit for damages to said roads and bridges; by requiring the circuit judge to give this Act in charge to the grand jury; by providing that violations of this Act shall be commenced in the county or circuit court; by making the sheriff, constables, State law enforcement officers and all road officials of said county to begin prosecution for violations of this Act; by authorizing the county commissioners to supplement the commutation fees in the several precincts of said county from any special road or bridge funds or the gasoline tax fund by paying said supplement to the road commissions in the several precincts to be used by them in repairing and maintaining the roads in their respective precincts; by requiring the road commission through one of its members of the several precincts to report all violations of this Act to the grand jury and to report the condition of said road of their respective precincts to said grand jury and providing penalties for the violations of this Act.

State of Alabama, }
Fayette County. }

Before me, S. T. Wright, a Notary Public in and for said State and county, personally appeared L. C. Wright, who being by me first duly sworn deposes and says as follows:

That he is now and has been for more than six months last past the editor and publisher of the Fayette Banner, a newspaper published at Fayette, in Fayette county, Alabama.

That the notice hereto attached and which is hereby referred to and made a part of this affidavit was published in said newspaper in its daily issues of July 26, 1923, August 2, 1923, August 9, 1923, and August 16, 1923.

L. C. Wright.

Sworn to and subscribed before me this the 17th day of August, 1923.

S. T. Wright,
Notary Public.

By Mr. Hatter (by request):

H. 717. To provide adequate facilities for the air service units of the Alabama National Guard and to appropriate the necessary funds.

Military.

By Mr. Howze:

H. 718. To provide for instruction in citizenship and patriotism in public schools.

Education.

By Mr. Fite:

H. 719. To prevent sheep and goats from running at large in counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Judiciary.

By Mr. Fite:

H. 720. To authorize the Governor of the State of Alabama, for and in the name of and in behalf of the State of Alabama, to rescind any contract of purchase of land at the request of the grantor, and reconvey the land in cases where the land was conveyed to the State with the understanding or agreement that a school or other institution was to be established and or maintained by the State thereon, if the State by and through its proper officers has abandoned the use of the land for the purpose for which it was acquired; provided the purchase price paid for such land and value of permanent improvements erected by the State on the land, less a credit for any and all money collected by the State as a result of fire or other casualty, or in any way on account of said land or any part thereof, is refunded to the State at the time of reconveyance.

Judiciary.

By Mr. Rives (with notice and proof):

H. 721. To authorize the board of revenue of Jefferson county, Alabama, to construct and maintain sanitary trunk sewers into and through the town of Inglenook, Alabama.

Local Legislation.

Notice and proof, H. 721:

LEGAL NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, the substance of which will be to authorize the board of revenue of Jefferson county, Alabama, to construct and maintain into and through the town of Inglenook, Alabama, sanitary truck sewers of such size and in such number as may be necessary to properly care for the sanitary needs of said town.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and county, J. H. F. Mosley, who, being duly sworn, deposes and says that he is editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: July 21-28; August 4-11, 1923.

Sworn to and subscribed before me, this 18th day of August, 1923.

(Seal)

J. H. F. Mosley.

Mary Mosley,
Notary Public.

By Mr. L. K. Bowen:

H. 722. To provide for the election by the qualified voters in all counties of this State, having a population of over two hundred thousand, according to the last Federal census, or any subsequent Federal census, of each and every county official, whose salary, fee or compensation is fixed by legislative enactment at three thousand dollars or more per annum and paid in whole or

in part out of the county funds of such counties, and to define the term "county official."

Judiciary.

By Mr. Byars:

H. 723. To further suppress the evils of intemperance; to prohibit the sale, giving away, delivering or having in possession of any article suitable as an ingredient for and which is to be used for the purpose of manufacturing prohibited liquors or beverages; to provide methods for the enforcement of this Act; to make it unlawful to violate any provision of this Act and to provide penalties for such violation.

Temperance.

By Mr. Holcombe (by request):

H. 724. To provide for the issuance of subpoenas and attendance of witnesses in criminal cases, from time to time, and as often as any case is set for trial, in all judicial circuits in the State having more than two and less than five circuit judges.

Judiciary.

By Mr. Kilborn (by request):

H. 725. To regulate corporations engaged in the business of issuing guaranties of title to land.

Banking and Insurance.

By Mr. Blackwell (with notice and proof):

H. 726. To provide for the election of a county superintendent of education for Monroe county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for the election of his successor in office.

Local Legislation.

Notice and proof, H. 726:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to provide for the election of a county superintendent of education, to fix his term of office, to prescribe his salary and manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor.

W. R. Blackwell,
Representative in the Legislature.

PROOF OF PUBLICATION.

I, Q. Salter, editor and owner of the Monroe Journal, a weekly newspaper published at Monroeville, Monroe county, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit: July 26, 1923; August 2, 1923; August 9, 1923; August 16, 1923.

Sworn to and subscribed before me this the 20th day of August, 1923.

Q. Salter.
K. J. Lazenby,
Notary Public, Monroe County, Ala.

By Mr. Norman:

H. 727. To repeal section 6901 of the Code of Alabama.
Game, Fish and Forestry Preservation.

By Mr. Norman:

H. 728. To amend section 6899 of the Code of Alabama of 1907.

Game, Fish and Forestry Preservation.

By Mr. Dowdle (with notice and proof):

H. 729. For the relief of Thomas J. Hale, of Reform, Pickens county, Alabama, to pay him the sum of \$500, and interest thereon from July 1st, 1910, due him, by contract made with him by State Board of Education, employing him as principal of the Pickens County High School for the year 1909-10.

Ways, Means and Appropriations.

Notice and proof, H. 729:

A BILL.

The following bill will be introduced at the next Legislature of Alabama:

"To be entitled an Act for the relief of Thomas J. Hale, of Reform, Pickens county, Alabama, to pay him the sum of \$500, and the interest thereon from July 1st, 1910, due him by a contract made with him by the State Board of Education, employing him as principal of the Pickens County High School for the year 1909-10.

Whereas, the State Board of Education employed Thomas J. Hale as principal of the county high school of Pickens county, Alabama, located at Reform, in said county, to teach and conduct said school for the year 1909-10, at and for the sum of \$1,300 for the said year; and whereas the said Thomas J. Hale did perform the duties of principal of the said school for the said time, but the State paid him only eight hundred dollars of the said thirteen hundred dollars that it owed him for said service, and, whereas the State of Alabama still owes the said Thomas J. Hale the balance of said contract price for said service, to-wit: the sum of five hundred dollars, which has been due him since July 1st, 1910, and hence owes him also interest on said sum of five hundred dollars, therefore:

Section 1. Be it enacted by the Legislature of Alabama, That the State of Alabama owes Thomas J. Hale five hundred dollars as principal, and interest thereon since July 1st, 1910, to-wit: five hundred dollars, making principal and interest one thousand dollars.

Section 2. Be it further enacted, That the Auditor be and is hereby required to draw a warrant on the State Treasurer of Alabama in favor of the said Thomas J. Hale for the said amount of one thousand dollars, payable out of any money in the State treasury not otherwise appropriated."

PROOF OF PUBLICATION.

The State of Alabama, }
Pickens County. }

Before me, B. G. Roberson, judge of the court of probate for said county, personally appeared Daniel E. Draper, publisher of the Pickens County Herald, a newspaper published in said county, who, being by me first duly sworn, states that the attached notice has been regularly published once a week

for four consecutive weeks in said paper in issues dated as follows: Dec. 28, 1922; Jan. 4, 1923; Jan. 11, 1923; Jan. 18, 1923.

Daniel E. Draper.

Subscribed and sworn to before me, this the 11th day of August, 1923.

B. G. Roberson,
Judge of Probate.

By Mr. Dowdle:

H. 730. To authorize clerks of the county courts of the State of Alabama to take affidavits and issue warrants for the institutions of trial or prosecutions begun in said courts.

Judiciary.

By Mr. Ashcraft of Lauderdale:

H. 731. To make further provision for paying the mileage and per diem of the members and officers and expenses of the Legislature.

Ways, Means and Appropriations.

By Mr. Posey (with notice and proof) (by request):

H. 732. To repeal an Act to provide for establishing and holding circuit court at Haleyville, Winston county, Alabama, to fix the jurisdiction thereof, to regulate proceedings therein; to provide officers and juries, both grand and petit, for holding said court and for the transaction of the business thereof, and to regulate their duties; to provide for a register and deputy register or clerk for the equity side of said court and to prescribe and regulate their duties.

Local Legislation.

Notice and proof, H. 732:

NOTICE.

To repeal local law establishing a branch circuit court at Haleyville, Ala. Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law in substance as follows:

A BILL

To be entitled an Act to repeal an Act to provide for establishing and holding circuit court at Haleyville, Winston county, Alabama, to fix the jurisdiction thereof, to regulate proceedings therein; to provide officers and juries, both grand and petit, for holding said court and for the transaction of the business thereof, and to regulate their duties; to provide for a register and deputy register and deputy register or clerk for the equity side of said court and to prescribe and regulate their duties.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act to provide for establishing and holding circuit court at Haleyville, Winston county; to fix the jurisdiction thereof, to regulate proceedings therein; to provide officers and juries, both grand and petit, for holding said court and for the transaction of the business thereof, and to regulate their duties, approved on the 22nd day of September, 1919, Local Acts 1919, pages 164-165-166 be and the same is hereby repealed.

Sec. 2. That all causes, both civil and criminal, now pending in the Haleyville division of said circuit court be and they are hereby transferred to the regular circuit court docket and shall be triable at the court house of said county.

Section 3. That this Act shall take effect upon its approval by the Governor, and all laws and parts of laws in conflict with this Act are hereby repealed.

The State of Alabama, }
Winston County. }

Before me, the undersigned authority personally appeared Geo. W. Adkins, who being by me first duly sworn, deposes and says: that he is editor and publisher of the Winston Herald, a newspaper of general circulation, published weekly at Double Springs, Ala., and that the foregoing and attached notice of intention to introduce bill in Legislature has been published in five successive weekly issues of said Winston Herald, viz.: in the editions of June 15, June 22, June 29, July 6, July 13th and July 20th, 1923.

Geo. W. Adkins,
Editor and Publisher Winston Herald.

Sworn to and subscribed before me, this 7th day of August, 1923.

John B. Weaver,
Judge of Probate.

By Mr. Fite:

H. 733. To regulate the settlement, adjustment or compromise of legal claims and demands growing out of personal injuries, whether causing death or not, and to provide penalties for the violation thereof.

Judiciary.

By Mr. Fite:

H. 734. To permit the members of the Tax Commission of the State of Alabama to accept and travel upon passes over the railroads of this State while engaged in the actual business of the State.

Revision of Laws.

By Mr. Moxley (with notice and proof):

H. 735. To amend section 1 of an Act entitled "An Act to fix the pay of grand jurors and petit jurors serving in the circuit court of Crenshaw county. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Crenshaw under this Act," approved September 5, 1919.

Local Legislation.

Notice and proof, H. 735:

NOTICE.

To Whom It May Concern:

Notice is hereby given of the intention to apply to the Legislature of Alabama at its next session which convenes on the 10th day of July, 1923, for the passage of an Act entitled, An Act to amend section (1) of an Act entitled "An Act to fix the pay of grand jurors and petit jurors serving in the circuit court of Crenshaw county. To prescribe the duties of the circuit clerk and the county treasurer of Crenshaw under this Act," approved September 5th, 1919, so as to read as follows: Regular jurors, grand and petit, serving in the circuit court of Crenshaw county, Alabama, shall be entitled to receive the sum of \$2.50 per day for each day's service and in addition thereto shall receive five cents for each mile traveled in going to and returning from court, to be proved by the oath of the juror before the clerk of the circuit court.

Very respectfully,
J. B. Moxley.

State of Alabama, }
Crenshaw County. }

Before me, a Notary Public in and for the county and State aforesaid, personally appeared J. C. McLendon, publisher of the Luverne Journal, a newspaper published at Luverne, Crenshaw county, Alabama, who being duly sworn, deposes and says, that the attached notice of bill was published for four consecutive weeks, said notices appearing June 21, June 28, July 5th and July 12, 1923.

J. C. McLendon.

Sworn to and subscribed before me this 4th day of August, 1923.

W. Bayzor Martin,
Notary Public.

By Mr. Fite:

H. 736. To fix the compensation or salaries of tax assessors and tax collectors in counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census; and to require such officers to pay into the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Ways, Means and Appropriations.

By Mr. Fite:

H. 737. To exempt from the payment of license and taxation on automobiles and other motor vehicles used by rural letter carriers in the State of Alabama for the purpose of carrying mail.

Ways, Means and Appropriations.

By Mr. Goodwyn:

H. 738. To create and establish a board of jury supervisors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the board of jury supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this Act; to authorize them to elect one of their number president of such board of jury supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of jury supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

Local Legislation.

By Mr. Goodwyn:

H. 739. To fix the compensation of circuit judges in all circuits of the State of Alabama which circuits are composed of only one county and have two judges, or which circuits may here-

after be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

Judiciary.

By Mr. Goodwyn:

H. 740. To authorize the treasurer to dispose of or destroy certain bonds or State securities which have accumulated in the vaults or basement of the State treasury.

Judiciary.

By Mr. Rountree:

H. 741. To levy and collect an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in any county in the State; to provide for the collection and payment of such tax; to provide for holding elections in any of such counties to determine whether such excise tax shall be levied and collected; and to fix penalties for the violation of any of the provisions of this Act.

Ways, Means and Appropriations.

By Mr. Filler (by request):

H. 742. To amend section 4777 of the Code of Alabama of 1907.

Judiciary.

BILLS ON SECOND READING.

Mr. Luck, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 359. To establish in precinct nine in Covington county, Ala., an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

H. 515. For the relief of Rose Huey, by validating, making binding and ordering the payment of that certain warrant, number 2958, for \$1,010.00, payable to him, issued by the board of revenue of Jefferson county, Alabama, at Bessemer, on the 17th day of July, 1922, as and for the refund to him of said sum which he had theretofore paid by error into the county treasury of said county.

The above and foregoing bills were severally read a second time and placed on the calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bill, your signature thereto is requested:

S. 236. To fix the salary of the deputy solicitor of Macon county at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof.

J. E. Speight,
Secretary.

SIGNING OF SENATE BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Teasley:

S. 343. To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate standing committee as follows:

Judiciary, S. 343.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Brower:

S. 335. To amend sections 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to 'as much as one hundred million dollars,'" approved September 16, 1915 (General Acts of 1915, page 589).

Also:

By Mr. Brower:

S. 336. To amend section 2 of an Act approved August 26th, 1909, entitled: "An Act to require courts of county commissioners and boards of revenue in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein, one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money."

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:
Penitentiary and Criminal Administration, S. 335.
Public Roads and Highways, S. 336.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Teasley:

S. 342. To amend sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdic-

tion or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an advisory board to such court and to define the duties and powers of such court; to provide for the appointment of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:
Judiciary, S. 342.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Also:

H. J. R. 86. Report of joint committee under Senate joint resolution 86.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk,

the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and House joint resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 328. To amend Section 1 of Article 5 and Section 25 of Article 8 and Section 19 of Article 9 of an act entitled "An Act to provide a complete educational system of the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State Board of Education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for Boards of School Trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages pre-

scribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from County Boards of Revenue; Boards of Education; School Districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trades and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations

therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school; to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Jas. A. Smith,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

H. 365. To authorize and empower the circuit solicitor in all counties in the State of Alabama having five or more circuit judges, or which counties may hereafter have five or more circuit judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and all assistants or assistance necessary to properly administer justice in such counties and fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the circuit court held at some place in such county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, to authorize such deputy circuit solicitor to employ or appoint one officer, who shall be under the supervision and control of said deputy circuit solicitor, and to fix the compensation of such officer and the manner of paying the same.

Also:

H. J. R. 82. Relative to endorsing the principles incorporated in the Dial amendment to the cotton futures Act.

Also:

H. 339. To repeal an Act "Entitled an Act, to make township 17, range 16 in Autauga county, a separate school district, approved February 17th, 1865.

Also:

H. 358. To amend sections 3, 6 and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Also:

H. 359. To amend an Act entitled "An Act to provide for the appointment of deputy circuit solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Also:

H. 285. To prohibit the court of county commissioners of Butler county, Alabama, from issuing the bonds of Butler county as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

Also:

H. 360. "To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census."

Also:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Jas. A. Smith,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Standing Committee on Enrolled Bills.

RECOMMITTAL OF BILLS.

On motion of Mr. Kilborn the bill:

H. 619. To authorize the expenditure by the authorities lawfully authorized to receive and expend same, of the proceeds of bonds issued or to be issued by a municipal corporation for the purchase of real estate necessary for the site of a public high school, and buildings to be used in connection therewith, and to erect thereon said public high school and buildings to be used in connection therewith, and to equip and furnish the same at any place within the corporate limits of said municipality at the time of such expenditure, though not in the city limits at the time of the election authorizing such bond issue and though the ballot provided or provides for the expenditure of the proceeds of such bond issue in the limits of said municipal corporation.

Was recommitted to the Standing Committee on Revision of Laws.

And on motion of Mr. Embry, the bill:

S. 172. To amend an Act approved October 31, 1921, entitled an Act to provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Together with the substitute reported by the Standing Com-

mittee on Public Roads and Highways, was recommitted to the Standing Committee on Public Roads and Highways.

REPORT OF CODE COMMITTEE ON MATTER OF ENLARGING THE
EASTERN WING OF CAPITOL.

Your committee hereby recommends the enlargement or extension of the east or judicial wing of the Capitol as per the plans and specifications of Mr. Lockwood heretofore submitted and which are open to inspection. These improvements will not only afford better quarters for the Judicial Department but will supply several additional offices or rooms for the Executive Department as well. We therefore recommend the passage of a bill providing for same improvements and an appropriation thereby not exceeding sixty-five thousand dollars.

Hugh D. Merrill,
Chairman.

The above report was ordered spread upon the Journal.

BILL ON THIRD READING.

H. 503. To provide and regulate further appeals to the Supreme Court from interlocutory judgments, decrees and orders.

Was read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Kilborn	Sessions
Adams	Fanning	Letson	Smith (Clay)
Adcock	Ferrell	Luck	Smith (Lee)
Arrington	Forman	McDaniel	Snodgrass
Ashcraft (Fayette)	Gaines	McGowen	Sollie
Bealle	Goodwyn	Moorer	Stewart (Calhoun)
Blackwell	Grove	Odom	Thompson (Etowah)
Bowen, L. K.	Hampton	Parker	Tiller
Boykin	Hatter	Patterson	Verner
Burns	Henley	Pickens	Wall
Burton	Henson	Ringer	Walton
Calloway	Hodgson	Rives	Ware
Cook	Holcombe	Rutherford	Mrs. Wilkins
Deloney	Jeter	St. John	Wyatt
Dickinson	Jones	Sanders (Pike)	Young
Dowdle			

—61

On motion of Mr. St. John the bill was ordered sent forthwith to the Senate without engrossment.

SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the special order which was the bill:

H. 486 (with amendment). To regulate traffic at railroad grade crossings in Alabama, and to provide penalties for violations of the provisions of this Act.

The question was upon the adoption of the amendment reported by the Standing Committee on Commerce and Common Carriers.

Amendment to H. 486:

To amend H. 486 by adding to section one the following: Nor shall this Act apply in cases where there is maintained at such crossing an automatic electric bell signal, when such automatic bell signal by its silence indicates safety to such vehicle or pedestrian.

And the amendment was adopted.

Yeas, 61; Nays, 5.

Yeas:

Messrs:

Mr. Speaker	Deloney	Howze	Rives
Adams	Dickinson	Jeter	Rutherford
Adcock	Dowdle	Jones	Sessions
Arrington	Dunwoody	Kilborn	Snodgrass
Ashcraft (Fayette)	Embry	LeMaistre	Sollie
Ashcraft (Lauderd'l)	Fanning	Letson	Stewart (Bibb)
Bealle	Forman	Long	Stewart (Calhoun)
Bowen, Lewis	Glenn	McDaniel	Thompson (Etowah)
Bowen, L. K.	Goodwyn	McGowen	Thompson (Jackson)
Boykin	Grove	Moorer	Tiller
Burns	Hampton	Norman	Verner
Burton	Hatter	Odom	Walker
Byars	Henley	Parker	Mrs. Wilkins
Coleman	Henson	Posey	Wyatt
Cook	Hodgson	Ringer	Young
Culver			

—61

Nays:

Messrs:

Ferrell	Smith (Lee)	Walton	Ware
Glover			

—5

Mr. Sollie offered the following amendment to the bill:

Amend section 1, H. 486, by adding at the end thereof these words:

"Provided that nothing in this Act shall affect or be construed to operate a shifting or changing of the burden of proof from railroad companies to plaintiffs as to negligence in suits for damages for injuries, as now provided by law."

And the amendment was adopted.

Yeas, 59; Nays, 3.

Yeas:

Messrs:

Mr. Speaker	Ashcraft (Lauderd'l)	Burton	Dunwoody
Adams	Bealle	Byars	Embry
Adcock	Bowen, L. K.	Cook	Fanning
Arrington	Boykin	Deloney	Fite
Ashcraft (Fayette)	Burns	Dowdle	Forman

Glenn	Letson	Rutherford	Tiller
Grove	Long	St. John	Tunstall
Hatter	McDaniel	Sanders (Pike)	Verner
Henley	Moxley	Sessions	Walker
Henson	Odom	Smith (Jefferson)	Wall
Hodgson	Parker	Snodgrass	Walton
Howze	Pickens	Sollie	Mrs. Wilkins
Jones	Posey	Stewart (Bibb)	Wyatt
Kilborn	Ringer	Stewart (Calhoun)	Young
LeMaistre	Rives	Thompson (Etowah)	

—59

*Nays:**Messrs:*

Blackwell

Smith (Lee)

Ware

—3

Mr. Fite offered the following amendment to the bill:

Amend the bill by striking out section 3.

On motion of Mr. Williams the bill and amendments were laid upon the table.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the House of Representatives:

I am directed by the Governor to hand you herewith an invitation from James A. Meissner, Major, Air Service, Alabama National Guard.

Respectfully,

A. L. Tyson,

Secretary to the Governor.

August 21st, 1923.

To the House of Representatives:

The 114th Squadron (Observation) National Guard of Alabama, one of the five National Guard air units of the United States, is encamped at Maxwell Field, near Montgomery, for its summer manoeuvres.

Being desirous of acquainting the Legislature of the State with this unit of its National Guard, the officers and men of the squadron invite the Governor and his staff, the Senate and House of Representatives, to be its guests for two hours on Thursday of this week, the 23d inst.

If this invitation is accepted, the squadron's trucks will call at the front steps of the Capitol at 11:30 A. M., on the above mentioned date and transport the guests to Maxwell Field. Dinner will be served from the squadron mess and an opportunity to see the squadron in action. All the guests, so desiring, will be given a flight over the city of Montgomery in a squadron plane, piloted by a qualified pilot, member of the squadron.

Respectfully submitted,

James A. Meissner, Major,

Air Service, Alabama National Guard, Commanding.

The above message and invitation was ordered spread upon the Journal.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Tunstall (with notice and proof):

S. 347. To create and establish a board of revenue in and for Calhoun county, Alabama, in the place and stead of the court of county commissioners of Calhoun county now existing in said

county, and abolishing said court of county commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said board of revenue, and fixing the boundaries of said districts; defining the jurisdiction of said board of revenue and fixing their compensation, and conferring upon said board of revenue all the jurisdictions, powers and authority granted by law to courts of county commissioners, boards of revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said board of revenue, and providing for the election of their successors.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Is hereby given that application will be made to the Legislature of Alabama at the present (1923) session to pass an Act, the substance of which is as follows:

A bill to be entitled an Act to create and establish a board of revenue in and for Calhoun county, Alabama, in the place and stead of the court of county commissioners of Calhoun county now existing in said county, and abolishing said court of county commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said board of revenue, and fixing the boundaries of said districts; defining the jurisdiction of said board of revenue and fixing their compensation, and conferring upon said board of revenue all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said board of revenue, and providing for the election of their successors.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for the county of Calhoun a board of revenue of Calhoun county, to be composed of five members, one of whom shall be the chairman of said board, and all of whom shall be qualified voters of said county.

Section 2. The court of county commissioners of Calhoun county, as now constituted, is hereby abolished upon the approval of this Act, and there is hereby conferred upon said board of revenue all jurisdiction and powers which are now or may hereafter be vested by law in courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State.

Section 3. That for the purposes of this Act, said county of Calhoun is hereby divided into five districts, numbered respectively from one to five, both inclusive.

District No. 1 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 1, 3, 7, 19 and 24.

District No. 2 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 15 and 20.

District No. 3 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 2, 5, 6, 14, 18, 22 and 23.

District No. 4 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 8, 9, 10, 11 and 16.

District No. 5 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 4, 12, 13, 17 and 21.

Section 4. The members of the board of county commissioners of Calhoun county, as now constituted, who are now qualified and serving as

members of said court, shall constitute the first board of revenue, under the provisions of this Act, and the said members of the court of county commissioners shall hold office as members of said board of revenue until the expiration of the respective terms for which they have heretofore been elected as members of the court of county commissioners. The president of the present court of county commissioners shall become and is hereby constituted the chairman of the board of revenue which is hereby created, and he shall hold office and serve as such chairman until the expiration of said term for which he was elected as president of the said commissioner's court.

Section 5. At the general election to be held in November, 1924, and each four years thereafter, members of the said board of revenue shall be elected by the qualified voters of the respective districts in and for the following of said districts: District No. 1, District No. 2 and District No. 5. At the general election to be held in November, 1926, and each four years thereafter, members of the said board of revenue shall be elected by the qualified voters of the respective districts in and for the following districts: Districts Nos. 3 and 4. The members of said board of revenue for each of such districts shall be a resident of said district for which he is elected and shall be a qualified elector of said county and shall be elected by the qualified electors of the said district for which he is elected. He shall be over twenty-one years of age and of good moral character. The said members so elected shall hold office for a term of four years from and after the first day of January after their election. Vacancies in office shall be filled by appointment by the Governor, and any person appointed to fill a vacancy shall hold office for the unexpired term and until his successor shall be elected, as hereinabove provided. Any person appointed to fill a vacancy shall have the same qualifications as to residence and character as required of the elective members.

Section 6. The members of said board of revenue shall each receive as compensation the sum of \$7.50 per day for each day that such member is in attendance upon the meetings of said board, such compensation being payable out of the county treasury; provided, however, that no member of the board shall receive compensation for his services in excess of one hundred days during any one calendar year.

Section 7. At the first meeting of the said board of revenue held on or after the first day of January, 1925, the said board shall elect one of its members as chairman of said board, who shall hold office as chairman for a term of two years, at which time his successor as chairman shall be elected by the members of the board as then constituted.

Section 8. The said board of revenue may, if they so determine, elect a secretary of said board, who shall keep the minutes and do clerical work of said board. The salary of said secretary shall be fixed by the board at a sum not exceeding \$600.00 per annum, payable monthly out of the county treasury.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county in said State, personally appeared Chas. S. Leyden, who, being duly sworn, doth depose and say that he is secretary of the Consolidated Publishing Company, the publishers of the Anniston Star; that the said Anniston Star is a daily newspaper published in said county of Calhoun, and State of Alabama; that the foregoing notice has been duly published in said Anniston Star once a week for four consecutive weeks before the making of this affidavit.

Chas. S. Leyden.

Sworn to and subscribed before me this 6th day of August, 1923.

Clara B. Wright,

Notary Public, Calhoun County, Alabama.

Also:

By Mr. Tunstall (with notice and proof):

S. 348. To establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the present (1923) session to pass an Act, the substance of which is as follows:

A bill to be entitled an Act to establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment:

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created in and for the county of Calhoun the office of road supervisor, who shall be elected, or appointed by the board of revenue of said county at the first meeting of said board of revenue held after the approval of this Act. He shall be elected for a term of two years, beginning on the first day of October, 1923, and a successor to said supervisor shall be elected or appointed by said board of revenue each two years thereafter. He shall be paid a salary out of the county treasury of Calhoun county, Alabama, to be fixed by the board of revenue of said county, of not less than \$2,400.00 per annum nor more than \$3,000.00 per annum, payable monthly by a warrant drawn by said commissioner's court.

Section 2. Said road supervisor shall be a competent civil engineer and shall devote all of his time to the discharge of his official duties.

Section 3. The said road supervisor shall have the general supervision and care of maintaining, repairing and improving the public roads of said county and the building of new roads when such new roads are established by the board of revenue of said county. He shall employ all agents, overseers and laborers required for the work of the public roads of said county and shall fix the compensation of such employees, subject to approval by the board of revenue. He shall, by and with the advice of the board of revenue, purchase all necessary road machinery, material, supplies and equipment necessary and desirable in and about the work on said public roads and shall do and perform, under the direction of the board of revenue of said county, all the duties in connection with the maintenance and improvement of public roads required by the general laws of this State, of boards of revenue or courts of county commissioners, except the establishment of new roads or the changing of roads.

Section 4. The board of revenue of said county shall require the said road supervisor to execute a bond, with surety to be approved by the board of revenue, payable to Calhoun county, in a penalty not to exceed \$5,000.00 per annum, for the faithful performance of his duties as supervisor and for the faithful accounting for all moneys or property of said county which may come into his hands as such supervisor.

Section 5. If at any time a vacancy shall occur in the office of road supervisor of said county by expiration of term or otherwise, and the said board of revenue should fail for thirty days after said vacancy occurs to fill the same, the office shall be filled by appointment of the Governor, and the appointee shall hold for the unexpired term and until a successor shall have been elected or appointed as herein provided.

Section 6. The board of revenue of said county shall, in addition to the salary fixed for said road supervisor, provide reasonable and necessary

transportation to enable the said road supervisor to discharge the duties of his office.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county in said State, personally appeared Chas. S. Leyden, who, being duly sworn, doth depose and say that he is secretary of the Consolidated Publishing Company, the publishers of the Anniston Star; that the said Anniston Star is a daily newspaper published in said county of Calhoun, and State of Alabama; that the foregoing notice has been duly published in said Anniston Star once a week for four consecutive weeks before the making of this affidavit.

Chas. S. Leyden.

Sworn to and subscribed before me, this 6th day of August, 1923.

Clara B. Wright,

Notary Public, Calhoun County, Ala.

Also:

By Mr. Tunstall (with notice and proof):

S. 349. To repeal an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Is hereby given that application will be made to the Legislature of Alabama at the present (1923) session to pass an Act, the substance of which is as follows:

A bill to be entitled an Act to repeal an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

Be it enacted by the Legislature of Alabama, That an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901, be and the same is hereby repealed.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county in said State, personally appeared Chas. S. Leyden, who, being duly sworn, doth depose and say that he is secretary of the Consolidated Publishing Company, the publishers of the Anniston Star; that the said Anniston Star is a daily newspaper published in said county of Calhoun, and State of Alabama; that the foregoing notice has been duly published in said Anniston Star once a week for four consecutive weeks before the making of this affidavit.

Chas. S. Leyden.

Sworn to and subscribed before me, this 6th day of August, 1923.

Clara B. Wright,

(Seal)

Notary Public, Calhoun County, Ala.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate standing committees as follows:

Local Legislation, S. 347, S. 348, S. 349.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Powell:

S. 375. To subject the salary of officials or employees of a city, county or State government to writs of garnishment, and to provide how and upon whom such writs may be served.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 375.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and sends same herewith to the House without engrossment:

By Mr. Craft:

S. 364. To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE.

Notice is hereby given that the Act herein below set forth will be presented for passage to the Legislature of Alabama, at the adjourned session thereof, commencing July 10th, 1923.

AN ACT

To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

Section 1. Be it enacted by the Legislature of Alabama, That section seven (7) of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911, be and the same is hereby amended, so as to read as follows:

Section 7. The ex-officio judge of said inferior civil court shall receive as compensation for his services as such ex-officio judge of said court the sum of fifteen hundred dollars per annum payable in monthly installments out of the county treasury of Mobile county, Alabama.

Section 2. That all laws, or parts of laws, in conflict, contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall not take effect until the expiration of the present term of the ex-officio judge of said inferior civil court of Mobile.

The State of Alabama, }
Mobile County. }

Before me, Wm. A. Conrad, a Notary Public in and for said county in said State, this day personally came E. V. O'Connor, who being by me duly sworn, deposes and says that he is the publisher of the Mobile Times-News, a weekly newspaper published and distributed in said county of Mobile, Alabama, and that notice of the intention to apply to the Legislature of Alabama at its present session for the passage of a certain local bill of which a copy is hereto attached, was published, without cost to the State, in said county of Mobile, stating the substance of said proposed law, once a week for four consecutive weeks, in said Mobile Times-News, on July 11th, 18th, 25th, and on August 1st, 1923.

E. V. O'Connor.

Subscribed and sworn to before me by on this the day of August, 1923.

(Seal)

Wm. A. Conrad,
Notary Public, Mobile County, Ala.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 364.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and sends same herewith to the House without engrossment:

By Mr. Craft:

S. 345. To fix the compensation of members of the courts of county commissioners, boards of revenue, or other courts of like jurisdiction in this State, in counties which now have or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last Federal census or any such census which may hereafter be taken, for services actually performed by said officers as members of the board of review of said counties, and to provide for the payment of such compensation.

J. E. Speight,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 345.

BILLS ON THIRD READING.

H. 630. To close and abandon certain described portions of streets, avenues and alleys in the city of Sheffield and county of Colbert.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Pickens
Adams	Glenn	Kilborn	Posey
Adcock	Glover	Lee	Powell
Cato	Goode	Letson	Ringer
Coleman	Goodwyn	Long	Rives
Cook	Graves	Love	St. John
Culver	Grove	Luck	Tunstall
Deloney	Guy	McDaniel	Tyson
Dowdle	Hall	McGowen	Walker
Dunwoody	Hatter	Melton	Wall
Embry	Hawkins	Moorer	Walton
Fanning	Henley	Moxley	Ware
Ferrell	Henson	Odom	Mrs. Wilkins
Fite	Howze	Parker	Williams
Forman	Jeter	Patterson	Young

—60

H. 584. To amend insofar as it applies to Crenshaw county an Act entitled "An Act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State," approved August 31, 1909.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Bowen, Lewis	Coleman	Fanning
Adams	Bowen, L. K.	Cook	Ferrell
Adcock	Boykin	Culver	Fite
Arrington	Burns	Deloney	Forman
Ashcraft (Fayette)	Burton	Dickinson	Gaines
Ashcraft (Lauderdl.)	Byars	Dowdle	Glenn
Bealle	Calloway	Dunwoody	Glover
Blackwell	Cato	Embry	Goode

Goodwyn	Hawkins	Jeter	Patterson
Graves	Henley	Jones	Pickens
Grove	Henson	Kilborn	Posey
Guy	Hodgson	Moorer	Powell
Hall	Holcombe	Moxley	Ringer
Hampton	Hornsby	Odom	Rives
Hatter	Howze	Parker	Rutherford

—60

H. 652. To repeal an Act entitled "An Act to provide for the more efficient construction and maintenance of public roads and bridges of Crenshaw county; to provide for the election of a county engineer, to fix his salary and term of office and to prescribe his duties; to prescribe the duties of the commissioners court under this Act; to provide revenue for the roads and bridges of the county; to levy a commutation fee of five dollars in lieu of road work; to levy a vehicle license tax for road purposes; to prescribe the duties of the tax assessor, tax collector, probate judge and sheriff under this Act and to fix their compensation; to provide for the assessment and collection of the taxes under this Act; to provide for the punishment of persons violating the provisions of this Act; to provide for the disposition of fines and forfeitures collected under this Act and for the hire of county convicts under this Act and to provide such other duties as may be necessary for the better and more efficient construction and maintenance of the public roads and bridges of the county. Approved September 25th, 1919.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Long	Snodgrass
Blackwell	Glover	Love	Sollie
Bowen, Lewis	Hatter	Luck	Tiller
Bowen, L. K.	Hawkins	McDaniel	Tunstall
Boykin	Henley	McGowen	Tyson
Burns	Henson	Melton	Varner
Burton	Hodgson	Moorer	Verner
Byars	Holcombe	Moxley	Walker
Cato	Hornsby	Norman	Wall
Coleman	Howze	Odom	Walton
Cook	Jeter	Parker	Ware
Culver	Jones	Pickens	Mrs. Wilkins
Deloney	Kilborn	Powell	Williams
Dowdle	Lee	Ringer	Wyatt
Dunwoody	Letson	Rives	Young

—60

H. 107. To repeal an Act entitled "To provide for the construction, care, maintenance, and improvement of the public roads of Franklin County; to provide funds, regulations, penalties and officers to ensure such construction, care, maintenance,

and improvement, to provide a county superintendent of roads, prescribe his qualifications, method of selection, term of office, salary, duties, powers; to prescribe in general the records to be kept by said superintendent; to provide that the Court of County Revenue shall have full powers over the road system; to provide beat supervisors, sections overseers, and other persons to carry out said work on the road system of the county; to prescribe the duties of individuals and corporations in regard to the enforcement of said road law." Approved September 30, 1919.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Ferrell	Kilborn	Sanders (Pike)
Adams	Fite	Moorer	Sessions
Adcock	Forman	Moxley	Smith (Clay)
Arrington	Gaines	Norman	Smith (Lee)
Bealle	Glenn	Odom	Snodgrass
Cato	Goode	Parker	Sollie
Coleman	Goodwyn	Patterson	Tiller
Cook	Guy	Pickens	Tyson
Culver	Hall	Posey	Varner
Deloney	Hampton	Powell	Verner
Dickinson	Hatter	Ringer	Wall
Dowdle	Hawkins	Rives	Ware
Dunwoody	Howze	Rountree	Williams
Embry	Jeter	Rutherford	Wyatt
Fanning	Jones	St. John	Young

—60

H. 514. To create the office of first assistant clerk and ex-officio judge of the Jefferson county court of misdemeanors of Jefferson county, Alabama; to define his duties, compensation, and authority, to provide for his appointment and compensation, the equipment and location of his office, and for the repeal of all laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fite	LeMaistre	Pickens
Adams	Forman	Letson	Posey
Adcock	Gaines	Long	Powell
Bealle	Glover	Love	Ringer
Bowen, Lewis	Goode	Luck	Rives
Bowen, L. K.	Goodwyn	Melton	Sanders (Conecuh)
Coleman	Graves	Moorer	Sanders (Pike)
Cook	Grove	Moxley	Sessions
Culver	Guy	Norman	Smith (Clay)
Dowdle	Howze	Odom	Smith (Jefferson)
Embry	Jeter	Parker	Smith (Lee)
Ferrell	Lee	Patterson	Sollie

Stewart (Bibb)	Tiller	Varner	Williams
Thompson (Etowah)	Tunstall	Verner	Wyatt
Thompson (Jackson)	Tyson	Mrs. Wilkins	Young

—60

H. 659. To amend the title, and sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities," approved February 19, 1919, found in the General Acts of Alabama, 1919, pages 155 to 163, inclusive.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Grove	Melton	Sanders (Pike)
Arrington	Hatter	Moorer	Sessions
Ashcraft (Fayette)	Henley	Moxley	Smith (Clay)
Ashcraft (Lauderdl')	Hodgson	Norman	Smith (Jefferson)
Calloway	Holcombe	Parker	Smith (Lee)
Cato	Hornsby	Patterson	Snodgrass
Dowdle	Howze	Pickens	Tiller
Dunwoody	Jones	Posey	Tunstall
Embry	Kilborn	Powell	Varner
Forman	Lee	Ringer	Walker
Gaines	Letson	Rives	Wall
Glover	Love	Rountree	Williams
Goodwyn	Luck	Sanders (Conecuh)	Young

—60

On motion of Mr. Goodwyn the bill was ordered sent forth-with to the Senate without engrossment.

H. 634. To fix the compensation of deputy clerks of the circuit court, holding office and performing the duties of circuit court clerks at any place other than the county site of such county, of all counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent Federal census.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dunwoody	Hornsby	Fowell
Adams	Embry	Howze	Rives
Adcock	Ferrell	Jeter	Rountree
Arrington	Fite	Jones	Sessions
Bealle	Gaines	Kilborn	Smith (Jefferson)
Blackwell	Glenn	Lee	Snodgrass
Bowen, Lewis	Glover	Letson	Sollie
Bowen, L. K.	Goode	Love	Tiller
Boykin	Grove	Luck	Tyson
Burns	Guy	Melton	Verner
Burton	Hall	Moorer	Wall
Byars	Hatter	Moxley	Ware
Cato	Hawkins	Norman	Williams
Culver	Henley	Pickens	Wyatt
Deloney	Hodgson	Posey	Young
Dowdle			

—60

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 645. To provide for the working of county convicts on the public roads of Morgan county, Alabama. To provide penalty to be insubordinate or to attempt to escape and to provide how convicts shall be released and to authorize the road superintendent of Morgan county to lease convicts of other counties.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Dickinson	Henley	Patterson
Adams	Dowdle	Henson	Posey
Adcock	Dunwoody	Howze	Powell
Arrington	Embry	Jeter	Rives
Bealle	Ferrell	Jones	Rountree
Blackwell	Fite	Lee	St. John
Boykin	Forman	Letson	Snodgrass
Burns	Gaines	Love	Sollie
Burton	Glover	Luck	Tiller
Byars	Goode	Melton	Tyson
Cato	Graves	Moorer	Verner
Coleman	Grove	Moxley	Wall
Cook	Guy	Norman	Walton
Culver	Hall	Odom	Ware
Deloney	Hatter	Parker	Wyatt

—60

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 646. To provide further for the construction, repair and maintenance of the public roads and highways of Morgan county, Alabama, so as to create a superintendent of roads for Morgan county, Alabama, to be known as the road superintendent; to

provide for the appointment thereof by the Governor; to vest him with full, complete, and unlimited jurisdiction over the public roads, bridges and ferries in Morgan county; to prescribe and define his powers and duties as such road superintendent, and to repeal all laws and parts of laws in conflict therewith; to provide for the establishment of a public road fund and for the levying of certain taxes for the benefit of the public roads; to authorize the superintendent to take charge of all public road tools and machinery belonging to the county; and to levy and collect special privilege license tax for the construction and maintenance of public roads, bridges and ferries in the county; to authorize the superintendent of roads to exercise all the legislative, judicial and executive authority over the public roads, bridges, and ferries, to fix penalties for the violation of this Act; to provide for the election and the term of office of the road superintendent; to provide for the appointment of beat supervisors, and the registering of all males subject to public road duties; to provide for the exemption of those subject to road duty by the payment of a prescribed sum; to provide for the working of the public roads, and the investigation of all the acts of the road superintendent by the grand jury of Morgan county; to provide for the keeping of the road superintendent's account; to provide for the exercise of the right of eminent domain, and for the employment of road overseers; to fix the salary of the road superintendent, and the beat supervisors; to provide penalties for the failure to work upon the public roads, and for the prosecution of road defaulters; to provide for the giving of notice to those liable for road duty; to provide for the buying of tools and machinery, and the location and operation of the same.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Fanning	Henley	Posey
Adams	Ferrell	Hornsby	Powell
Adcock	Fite	Howze	Rives
Bealle	Forman	Jeter	St. John
Blackwell	Gaines	Jones	Sessions
Boykin	Glenn	Lee	Sollie
Burns	Glover	Letson	Tiller
Burton	Goode	Long	Tunstall
Byars	Goodwyn	Love	Tyson
Cato	Graves	Luck	Wall
Coleman	Grove	Melton	Walton
Cook	Guy	Moorer	Ware
Culver	Hall	Moxley	Williams
Deloney	Hatter	Patterson	Wyatt
Embry	Hawkins	Pickens	Young

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 355. To amend section 2 of an Act "To establish a charter for the city of Bridgeport" (approved Feb. 18, 1891).

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation, said committee amendment being as follows:

AMENDMENT TO H. 355.

Amend House bill 355 as follows: Strike out the words "sections 7, 8, 17, 18, and the north half of section 21, lying west of the Tennessee river" and insert in lieu thereof the following:

Beginning at the middle of section 7, thence due east along said quarter section line to the west boundary line of section 8, thence north along said section line one-quarter of a mile, thence east along the quarter section line to the bank of the Tennessee river, thence down the river bank to the middle quarter section line of section 21, thence west along said middle quarter section lines of sections 21, 20 and 19 to the western boundary line of section 19, thence north along said west section line seven-eighths of a mile to the Brown-Arendale line, thence east along said line one-quarter of a mile to the eastern boundary line of the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section 18, thence north along said quarter section to the middle of the N. W. $\frac{1}{4}$ of section 18, thence east along the quarter section line to the eastern boundary line of the N. W. $\frac{1}{4}$ of section 18, thence north along the quarter section line to the middle of section 7 and the beginning.

And the amendment reported by the Standing Committee on Local Legislation was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Embry	Jones	Posey
Adams	Gaines	Lee	Ringer
Adcock	Glenn	Letson	Rives
Blackwell	Goode	Long	Rountree
Boykin	Graves	Love	St. John
Burns	Grove	Luck	Sessions
Burton	Guy	McGowen	Snodgrass
Byars	Hall	Melton	Sollie
Calloway	Hatter	Moorer	Thompson (Jackson)
Cato	Hawkins	Moxley	Tiller
Coleman	Henley	Norman	Tunstall
Cook	Hodgson	Odom	Wall
Culver	Hornsby	Parker	Walton
Deloney	Howze	Patterson	Ware
Dowdle	Jeter	Pickens	Young

And the bill:

H. 355. To amend section 2 of an Act "To establish a charter for the city of Bridgeport" (approved Feb. 18, 1891).

As amended, was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Mr. Speaker	Gaines	Jones	Sessions
Adams	Glenn	Lee	Snodgrass
Adcock	Glover	Long	Sollie
Bealle	Goode	Love	Thompson (Jackson)
Blackwell	Grove	Luck	Tiller
Boykin	Guy	Melton	Tunstall
Burns	Hall	Moorer	Tyson
Burton	Hatter	Moxley	Varnier
Byars	Henley	Norman	Verner
Cato	Henson	Odom	Walker
Coleman	Hodgson	Parker	Wall
Cook	Holcombe	Pickens	Walton
Culver	Hornsby	Posey	Ware
Embry	Howze	Powell	Wyatt
Fite	Jeter	St. John	Young

—60

And the bill was ordered sent forthwith to the Senate without engrossment.

CERTIFICATE OF CLERK.

To the House of Representatives:

I hereby certify that the bills hereinafter mentioned were delivered to the Executive Department on the dates and hours named, and that I hold the receipts of the Executive Department for same.

Delivered to Governor Aug. 21, 1923, at 3 P. M.:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

H. 358. To amend sections 3, 6 and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Also:

H. 359. To amend an Act entitled "An Act to provide for the appointment of deputy circuit solicitors in all circuits in this State having more than five circuit judges, or which circuits may

hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Also:

H. 285. To prohibit the court of county commissioners of Butler county, Alabama, from issuing the bonds of Butler county as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

Also:

H. 360. "To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census."

Also:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

H. 365. To authorize and empower the Circuit Solicitor in all counties in the State of Alabama having five or more Circuit Judges, or which counties may hereafter have five or more Circuit Judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such Solicitor, and all assistants or assistance necessary to properly administer justice in such counties and fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the Circuit Court held at some place in such county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a Deputy Circuit Solicitor, to authorize such Deputy Circuit Solicitor to employ or appoint one officer, who shall be under the supervision and control of said Deputy Circuit Solicitor, and to fix the compensation of such officer and the manner of paying the same.

Also:

H. J. R. 82. Relative to endorsing the principles incorporated in the Dial amendment to the cotton futures Act.

Also:

H. 339. To repeal an Act "entitled an Act, to make township 17, range 16 in Autauga county, a separate school district, approved February 17th, 1865.

Also:

House bill 328.

J. H. Stewart,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 302. To alter and rearrange the boundary lines of the city of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Also:

H. 350. To amend Sec. 1 of an Act approved Feb. 18, 1891, entitled "An Act to amend an Act approved Feb. 17, 1885, entitled an Act to amend sections 1 and 2 of an Act to define the corporate limits of the city of Wetumpka, approved Feb. 23, 1883."

Also:

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin county.

Also:

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile county and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

Also:

H. 399. For the relief of Ed Smart.

Also:

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville road extending from the west side of Sixteenth street north to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,259.9) feet and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

Also:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

Also:

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the City of Birmingham, in Jefferson County, Alabama: Beginning at a point on the Southwest (SW) line of Thornton Street where the center of Motley Avenue if extended Southwestwardly would intersect same, then southeasterly along the line of Thornton Street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course Southwesterly parallel to the center line of Motley Avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second Avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the North line of Second Avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the North line of Second Avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley Avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the Southwest (SW) line of Thornton Street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the Southwest (SW) line of Thornton Street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Also:

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highway, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the southwest quarter of the southeast quarter of section five (5), township eighteen (18), south, range two (2), west, in Jefferson county, Alabama, described as follows: Commence at or near the southeast corner of said southwest quarter of the southeast quarter of section five (5) at the intersection of said highway, roadway or passageway with the Montevallo road and extend thence west along or near the southern boundary line of said southwest quarter of the southeast quarter of section five (5) to the western boundary line, or to an extension thereof to the south, of said southwest quarter of the southeast quarter of section five (5).

Also:

H. 504. To alter and fix the boundaries of the city of Selma, a municipal corporation in Dallas county, Alabama.

Also:

H. 488. To establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Also:

H. 457. To require the county board of education of Henry county, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said county; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act.

Also:

H. 463. To amend an Act "To prescribe the regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson county."

Also:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Also:

H. 502. For the relief of W. H. Long, ex-sheriff of Washington county, Alabama, authorizing the payment to him of fees out of the fine and forfeiture fund of Washington county, Alabama, that have been barred by reason that the claims were not filed within twelve months.

J. E. Speight,
Secretary.

ADJOURNMENT.

On motion of Mr. Goodwyn the House adjourned until tomorrow morning at 10 o'clock.

